

Invicta veritas:

**An Answer that by No Manner of
Law it may be lawful for the most
noble King of England,
King Henry VIII,
to be Divorced
from the Queen's grace,
his Lawful and very Wife:
a human-edited facsimile of
Abell's 1532 edition
in modern English.**

by

Thomas Abell

2022

INVICTA VERITAS

An answer

that by no manner of law it may be lawful for
the most noble King of England, King Henry
VIII, to be divorced from the Queen's grace,
his lawful and very Wife.

Set apart Christen reader all blind affection: and read this
book with judgment, considering it with the other book,
against which this is written: and Doubt not but thou shall
stand on the Queen's part as a favourer of the firm and
invincible Verity.

by

Thomas Abell

1532

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2024 Book adjusted slightly to try to make the thumbnail book cover the proper size. R.C.

Editor: Robert Crawford

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AD LAUDEM TUAM DOMINE.

[To the Praise of Your Lord]

Here follows an answer that I, Thomas Abell,¹ priest, has made unto a certain English book² late put forth and imprinted: which does falsely affirm and say that it is against the law of God and against the law of nature for a man to marry his brother's wife a widow left without issue and that the Pope hath no power to dispense upon such marriage: the which saying you shall see declared and proved false most clearly and more largely by Holy Scripture, by Holy decrees, by doctors and expounders of Holy Scripture and also by reason here within, than at the beginning of my answer. And in like manner ye that see this proposition and saying declared and proved true that a Christian man may lawfully marry his brother's widow left without issue. both by the law of God and by the law of nature: and that the Pope hath power to dispense upon such marriage: for though at the beginning of my answer, I show sufficiently the first saying to be false and this other last profession and saying to be true: yet for because that I am compelled to follow the process of the English book which I answer to: I declare and prove the rehearsed propositions more largely within this my answer according as the occasion is offered: the which if I had done also in the beginning I should have rehearsed one thing and one proof many times, and so my answer would have been very tedious and long.

For as much as now of late there be certain persons that have made a book in Latin and the same have translated it again into English, where they do affirm and say that a man to marry his brother's wife - a widow - left without issue - is so unlawful and so against the law of God, and against the law of nature, that the Pope hath no power to dispense upon such marriages, whether they be made and contracted already, or else, yet to be made or contract: I am at this time compelled and constrained by my profession and promise that I have made unto our Saviour Christ to answer unto this untrue saying and to speak against it.

First, for because to say and affirm that it is forbidden both by the law of God and by the law of nature for a man to marry his brother's wife a widow³ without issue.⁴ and that the Pope can in no wise dispense upon such marriage made or yet to be made is very false and untrue: and also great and high blasphemy to God's law and to almighty God himself as I shall shew ye hereafter. {A.ii}

And secondly I am compelled and bound to speak against this proposition and saying for to admonish and give my neighbour knowledge of this untrue opinion that is now set out in print and goes abroad to advertise him to take heed of this saying and to give in nowise credence unto it, for it is no small danger to men's souls to believe this false saying and great blasphemy, the

which ungracious persons have, and in their books do colour and ornate with much rhetoric and eloquent words to the extent that their false propositions and sayings should be the sooner believed and accept of the readers. And so thus for these causes I am compelled to answer and speak against this before rehearsed book, in the which answer I will, with the assistance and help of almighty God, show ye how that this proposition and saying is false and high blasphemy to almighty God to affirm and say that it is forbidden and to be against the law of God and against the law of nature that any man should marry his brother's wife a widow, left without issue: and that the Pope hath no power to dispense upon such marriage whether that they be contracted already, or else yet to be made and contracted and I will also here show ye that this is true that a man may by that law of God and by that law of nature lawfully marry his brother's wife a widow left with out issue, and that the Pope hath power to dispense upon such marriages and to license a man so to marry.

These things principally I note that the person the which have set forth their book do say. The first is this. In the preface of their book, they say that the Universities have confirmed their determinations upon that Levitical laws by that which it is forbidden that any man should marry the wife of his brother departed without children. The second principal point and their saying is written in the aforesaid preface the which is this: that it is forbidden both by the law of God and by the law of nature that any Christian man should marry the wife of his brother dying without children. The third principal point and saying is written in the same preface joined unto the second saying which is this: that the Pope hath no power to dispense upon any such marriages whether they be contracted already or else yet to be contracted. Now to their first saying, where they write that the Universities have confirmed their determinations upon these Levitical laws by that which it is forbidden that any man should marry the wife of his brother departed without children; behold here I pray ye upon how goodly and substantial a ground these persons do say that the Universities have built and set their determination. They say upon the Levitical laws by the which it is forbidden that any man should marry the wife of his brother departed without children: When that in all the Levitical law there is no such marriages forbidden as every man may perceive and understand that look upon {A.iii} the Levitical laws and also as ye shall see it more largely declared hereafter and by this also ye may perceive what this University have determined, that is indeed no thing but a proposition the which be very false even like as the grounds is that they have built their determinations upon. Now to the second point principle, and saying of these persons where as they say that it is forbidden both by the law of God and by the law of nature that any christen man should marry the wife of his brother departed without children: this is likewise false. First it is not against the law of God: for in the law of God, God himself by his servant Moses did command, and that up great pain, that every man of the Jews should marry his brother's wife a widow left without issue, as it is plainly expressed in the old law⁵, nor such marriage is be not forbidden in the new law, as ye shall see it evidently proved: wherefore it is not against the law of God for a man to marry his brother's wife a widow, nor any such marriage in none of the laws be forbidden, also for a man to marry his brother's wife a widow, is not forbidden by the laws of nature.

First⁶ for because the holy patriarch Abraham married his own sister Sara and we may not think and say that so holy a man would willingly do so grievous sin as to break the law of nature, and

to continue still in the same offence; wherefore it is not against the law of nature for a man to marry his brother's wife a widow without issue. If it be not forbidden by the law of nature for a man to marry his sister, then is it not forbidden that a man shall marry his brother's wife - a widow.

Also Jerome saith that at the time⁷ that Abraham married his sister, such marriage was not forbidden by the law, and Jerome therefore excuses the Patriarch Abraham, also the Patriarch Juda married his second son to his daughter-in-law Tamar, for because her first husband Judas his son died without issue, they and also the same Patriarch after the death of his second son Tamar's second husband, promised her his third son and also this holy man Juda commanded⁸ his second son to marry his brother's wife a widow, the which he would not have commanded if it had been against the law of nature, wherefore ye may see that it is not against the law of nature for a man to marry his brother's wife a widow, when that this holy patriarch did in the time of the law of nature use such marriages and did command their children so to marry.

Also holy Chrysostom saith⁹ that when Juda the Patriarch commanded his second son to take and marry his brother's wife Tamar and so to sire up seed and procure by her issue unto his brother that was dead: thus says Chrysostom, did Juda command by the law and then there was no other law but the law of nature or else custom laudable and political grounded in the law of nature of that which this was one that a man should marry his brother's wife a widow without issue, for else the Patriarch Juda would not have commanded his son so to have married¹⁰, also this doth appear evidently by Judas words, for he confessed and granted that he had offended and done wrong to Tamar because he had not married his third son unto her and if that it had be against the law of nature for a man to marry his brother's wife a widow without issue, then Juda had done no wrong to Tamar in that, that he did not marry his third sone unto her, but for as much as that was not against the law of nature, therefore Juda did confess that he did Tamar wrong for because he had not married his third son unto her according unto 'the law', so now we may see that it is not against the law of nature for a man to marry his brother's wife a widow.

Furthermore for a man to marry his brother's wife a widow without issue, cannot be against the law of nature, for almighty God did never command any manner of people to observe and keep that thing continually and upon a great pain that should be against the law of nature, for that were evil of itself and therefore no such thing almighty God did command as it is written, *nemini mandavit impie agere*,¹¹ but almighty God did command the Jews to marry always their brother's wives left without issue: and that under a great pain, and this commandment he would have continually kept during the time of that law, wherefore you may see evidently that such marriages cannot be against the law of nature, this argument doth conclude. It cannot be denied.

I did say in the first principle proposition of this argument, that almighty God did never command any manner of person to observe and keep that thing continually and that upon a great pain which should be against the law of nature, this I did say to take away certain objections as this: that almighty God did command Abraham to kill his son that was innocent, but yet almighty

god did not command every man so to do continually: and likewise though almighty God did command the multitude of the people of Israel to borrow plate of the Egyptians and to carry it away with them, yet almighty God did not command the people of Israel to do so continually nor yet he did not command them so to do upon a pain: but as I have said, almighty God commanded the people of Israel to marry always their brother's wives widows left without issue and that upon a great pain, wherefore I say that such marriages cannot **{B}** be against the law of nature; peradventure yet some persons will say that this commandment of almighty God that bound the Jews to marry their brother's wife - widow without issue, was no law but a license and a dispensation that almighty God gave unto the Jews, whereby they might use such marriages, as almighty God did before the law dispense with Jacob to marry two sisters and had them both wives at once. And also, in the time of the law he did dispense with certain kings to have two wives at once, or more. To this I answer thus: that though almighty God did suffer such marriage before the law, and in the time of the law that men had more wives at once then one, yet he never commanded that the Jews should take more wives than one at once, nor yet commanded the plurality of wives upon a pain, also almighty God suffered the Jews to forsake their wives by the libel of repudiation, and likewise the Jews to usufructuary, but yet this nor the other he did never command to be kept as a law and that upon a great pain: but almighty God did command all the Jews always to marry their brother's wives widows, left without issue, and that under a great pain, wherefore this commandment was no dispensation, but a plain law and thus you may see that such marriages cannot be against the law of nature.

Now to the third point and principle saying of these persons: whereas they affirm that the Pope hath no power to dispense upon marriages made betwixt the brother and the brother's wife widow left without issue, nor yet power to dispense upon such marriage to be made. This saying is false, likewise as the other before: such marriage is not forbidden neither in the old law nor in the new law as you have heard before, and the same you shall see here after more largely declared and proved where as I bring in the doctor's minds against these deceptive opinions: wherefore now I say that this is false to say and affirm that the Pope hath no power to license the brother to marry the brother's wife a widow left without issue: for it is forbidden that a man may marry with her that is joined to him in the first degree of lateral affinity but only by the ordinance of the church as you shall here after see proved by the Minds of Great and excellent learned men. And the Pope hath power to dispense against the prohibition of his own laws only, this can no man deny wherefore it is false to affirm and say that the Pope hath no power to license a man to marry his brother's wife - a widow left without issue.

Now here you have heard how that these persons saying and opinion is false which **{B.ii}** is this: that it is against the law of God and against the law of nature for a man to marry his brother's wife a widow left without issue, and that the Pope hath no power to dispense upon such marriage: by the which falseness ye may perceive how that this proposition is true, that a man may lawfully by the law of God and by the law of nature, marry his brother's wife a widow left without issue, and that the Pope hath power to dispense upon such marriage. First ye have seen that such marriage is not against the law of nature. Also, you have heard how that such marriage is not forbidden by the old law, but in the old law such marriages were expressly commanded and so by the law, a man might lawfully marry his brother's wife a widow without issue. And

also such marriage our Saviour Christ did approbate in the new law¹² as it is open whereas the Sadducees came to our Saviour Christ and showed him how that there was a woman with them that had married seven brethren, one after another's death, the which marriage our Saviour Christ did not reprove nor spoke against them, but surely if such marriage had been against the law of nature and against Christ's law, then would our Saviour Christ have spoken against such marriage like as he spoke against the libel of repudiation whereby the Jews did use to refute their wives and marry another when they were alive, and also the same wife so refuted and put away did take and marry other men, their first husbands being alive, and for as much as their manner of marriages were unlawful and against the law of nature our Saviour Christ did reprove them as he did reprove other imperfections that the Jews used in their law, for our Saviour Christ came to fulfil the law with perfection, and so for as much as he did not reprove marriage between the brother and the brother's wife a widow left without issue saying that our Saviour had occasion offered to speak upon such marriage, yet follows that he did allow and approbate such marriage. Peradventure yet some person will say that though our Saviour Christ did not speak against marriage between the brother and the brother's wife widow without issue, yet it doth not follow that he did approbate such marriage: for our Saviour did not forbid the father to marry with the daughter, and yet it doth not follow that he did approbate that the father might lawfully marry his daughter, if this were true that our Saviour did not forbid the father to marry with his daughter, which is false, yet then this reason is not like the other. First by cause that marriage between the father and daughter is expressly forbidden by the law of nature by the old law and by the new law, and so is not marriage between the brother and the brother's wife, and secondarily for because there was no occasion offered. Unto our Saviour {B.iii} Christ to approbate or to have reprov'd marriage between the father and the daughter, as there was in the other marriage, but if the Jews had cometh unto our Saviour Christ and shewed him how there was a man that had married two or three of his own daughters, one after the death of another, then he would have spoken against such marriage by cause that such is ill and unlawful: but for as much as marriage between the brother and the brother's wife widow without issue, is good and lawful by the law of nature and by the law of God: our Saviour Christ did approbate such marriage. Now then saying that marriage between the brother and the brother's wife is lawful by the law of nature and commanded in the old law and approbate by our Saviour Christ, then it follows that such marriage is forbidden only, by the ordinance and law of the church. And the Pope hath power to license against that ordinance and so consequently he hath power to dispense upon such marriage. Though now you have somewhat heard these deceivers opinion proved false, and how that this is true, that a man may by the law of God, and by the law of nature, marry his brother's wife a widow left without issue, and that the Pope hath power to dispense upon such marriage, yet for as much as these deceivers have in their book that I make answer unto many clogde [cock-eyed?] reasons with eloquent and theoretical terms and many false arguments, and great lies and much blasphemy to God covered with the same manner of cloth: I will discover you some of their errors to the intent that you shall not be deceived nor believe their false sayings, but yet I say that I will discover and rehearse you but some of their errors: for if I would tarry to rehearse you all I should be compelled to make a great book, and therefore I will not take that way: but rather to which, and speak of some: and by them you may perceive the residue.

In the first chapter of their book, they say that before the flood, the people set all their minds at all times to naughtiness and sin, in so much that they took them wives at adventure whom so

ever they had chosen sparing nor forbearing no manner of degree of affinity or kindred; this is their sayings, grounding them of this scripture.

***Videntes fiii Dei filias hominum quod essent pulchrae
acceperunt sibi uxores es omnibus quas elegerant.***¹³

This is the sense of this scripture:

***The children of God seeing the daughters of men that they were
beautiful
and fair. They chose of all them to their wives such as liked them.***

And these persons write that the men “took the wives at adventures whom so ever they had chosen sparing nor forbearing no manner of degree of affinity or kindred”. And this saying can no wise be taken of the rehearsed scripture, but rather by the same scripture it follows that these person’s says false, for the Scripture saith that the children, and the sons of God, seeing the daughters of men fair and beautiful, took of them wives such as liked them, and it follows that they married not with their mothers nor their own sisters nor their own aunty, for they married with the daughters of men which were neither their own mothers, nor their sisters, nor their aunts, and therefore it is false to say that the people married them wives forbearing not sparing no manner of degree of affinity or kindred. This error page is written in the sixteenth leaf¹⁴ of their book.

Also, in the same first chapter of their book, in the seventeenth and eighteenth,¹⁵ leaf, they say that almighty God “did command Moses to prescribe unto the people the law of matrimony that should be conformable and agreeing with honesty and shamelessness, natural and to forbid such marriages that be foul of themselves, and have dishonesty in them”, and all this they say was commanded in the Levitical book in the 18th chapter.¹⁶ And among the marriages that they say be there forbidden is forbidden marriage between the brother and the brother’s wife widow left without issue. This, these persons speak of, or else all that they say is nothing for their purpose, wherefore to this saying I answer thus: first in the eighteenth chapter¹⁷ of the Levitical book is not forbidden that a man may not marry his brother’s wife a widow left without issue, no, nor yet such marriages are not forbidden in no place of the whole law, but rather whereas Moses did declare the Levitical law, yea and all the whole law that he had written before he shewed unto the people how that almighty God had ordained and commanded that every one of the Jews should marry always his brother’s wife a widow left without issue as it is manifest in the book of the Deuteronomy¹⁸ wherefore you may evidently see that in the eighteenth chapter of the Levitical law¹⁹ it was not forbidden that a man might not marry his brother’s wife a widow left without issue, and also the prohibition in the Levitical law in the eighteenth chapter cannot be

all understand that they forbade marriage with all such persons as be there named, for there it is forbidden that a man may go to a woman when that she hath a passion the which they call her flowers. And yet it is evident that a man may marry a woman when that she hath them, and likewise that a woman may lawfully marry when that she hath them. Wherefore you may see that the prohibitions that be in the eighteenth chapter cannot at all be understand to forbid marriage with all such persons that be there named. But yet peradventure these false deceptioners that hath made the book that I answer now to wit say that in the eighteenth chapter of the Levitical {C} is forbidden that a man may not marry to his brother's wife. To this I answer that if they will take that prohibition to forbid marriage between the brother and the brother's wife and not for the abusing of the brother's wife. Then it is thus understood that no man may marry his brother's wife while his brother is alive. Thus saith these persons great doctor Peter de Palude expounding the eighteenth chapter of the Levitical book, and so doeth other doctors say as you shall see hereafter, and likewise says Saint Augustine expounding the eighteenth chapter of the Levitical book that there it is forbidden that a man may not marry his brother's wife while that her husband is alive, nor a man may not marry his brother's wife that was refuted and repudiate of her husband, nor yet a man may not marry her brother's wife widow having issue by her first husband. But now by this rehearsed prohibition nor by no other prohibition that a man may not marry his brother's wife a widow left without issue, yet furthermore you shall understand that the Levitical prohibition cannot all be understand to forbid marriage between all those persons that be there expressed as to forbid that the brother may not marry with the sister or that the brother may not marry with the brother's wife, for if marriage between these persons were forbidden there, then it shall follow that the Egyptians and the Cannonites were not polluted at these things that be called there abominations the which is plainly against the text: wherefore the prohibitions cannot be all understand to forbid marriage between all those persons that be there named, that this should follow, it is evident: for King Pharaoh did believe that Sara was not Abram's wife, for as much as Abraham said that she was his sister and the cause why pharaoh did so believe was this: for as much as in Egypt the people did not marry their sisters and therefore when that Abraham shewed King Pharaoh that Sara was his sister, he believed that she was not his wife²⁰ as the process in the text doth evidently show. And likewise for because Abraham said in the country of Canan to King Abimelech that Sara his wife was his sister the King Abimelech did believe that Sara was not Abraham's wife, for as much as in that country they did not use to marry their sisters, and all this that the Egyptians and the Cananites²¹ did not use to marry their sisters, doth these deceptives affirm in the one hundredth and eleventh leaf²² of their book speaking to wit of Abraham and his wife: now then by this the truth and their grant also, it follows, that at the prohibitions Levitical cannot be all understand of forbidding of marriage, when that the Cananites did not use to marry their sisters as the deceivers do grant themselves. And then it follows still, that if the Egyptians and Cananites did not use to marry their own sisters that then they did not use to marry their mothers nor {C.ii} their auntie nor their mothers-in-law and so forth, for if the Egyptians did judge to be against honest and reason to marry their sisters, and therefore they did abstain for to marry them, than they must needs judge, that it is more against reason and honesty, for to marry with their mothers, with mothers-in-law, with their father's sisters, and with their mother's sisters, and so they did therefore much more abstain to marry with them. This reason can no man deny, wherefore you may see by these arguments founded in their own sayings that the Levitical prohibitions cannot be all understand that they forbid marriage between all the persons that be named in the eighteenth chapter of the Levitical

book and so now ye may see evidently that all their grounds, and foundations is false: for in that chapter they found falsely their false opinion.

Also, in the same first chapter of their book²³ in the nineteenth leaf: these persons say that what man hath married his brother's wife, the which is understand of a widow left without issue, should be judged of all the people not only to have contempt and despised God the which hath with so great majesty commanded the contrary, but also to have offended by infecting and corrupting the manners of the people such mischievous example to have done against the law of nature. This is their saying the which I beseech you to note and mark well. First they say that almighty God hath with great majesty commanded the contrary to this that a man may lawfully marry his brother's wife a widow left without issue, but this I would see them show, and where: but that they cannot do, nor yet no man: for almighty God never commanded the contrary, but he did expressly command that a man should marry his brother's wife a widow left without issue, beside this these persons do greatly blaspheme almighty God in their saying, for if the people should judge him that hath married his brother's wife a widow without issue, to despise and displease almighty God: then should the people judge that almighty God commanded the Jews to condemn him and to despise him: for almighty God as I showed you, commanded the Jews to marry their brother's wives, widows without issue. Moreover if the people should judge him that hath married his brother's wife a widow without issue, to offend and infect and to corrupt the manners of the people by such mischievous example and to have done against the law of nature, then should the people judge that almighty God did command the Jews to offend, to infect and to corrupt the manners of the people and also that he commanded the Jews to give mischievous example and to do against the law of nature, for it was almighty God that commanded them to marry their brother's wife - widow without issue, and thus you may now see how these persons blaspheme almighty God and his holy law: for they say that for a man to marry his brother's wife a widow without issue is abominable and infection and a corruption of the manners of the people {C.iii} a mischievous example and a breaking of the law of nature, and yet they cannot deny but that almighty God did command such marriages, and so they love all this abomination upon almighty God which is great despising and blasphemy unto him.

Item, moreover, in the last of their book these persons say over and beside all this; consider with how great strength and weight of words and with how great care and thought God in discerning these laws doth often rehearse, saying it is not for a man, it is foul; it is mischievous, it is cursedness, it is abomination, it is not to be spoken, it is not lawful, it is against the law of God, namely, it is filthy and slanderous that a man should do any such thing. Here now again these persons do help blaspheme almighty God: for if that marriage between the brother and the brother's wife be so ill and so abominable as here they say it is, then they say that almighty God did command that thing that is meat for no man to do, that is to say foulness, that thing that is mischievous, cursedness, abomination, it is not to be spoken, it is not lawful, it is against the very laws of God, briefly it is filthy and slanderous that a man should do any such thing, for it was almighty God that did command that men should marry their brother's wives left without issue. The which marriages these persons call abomination, mischievous and slanderous without issue, for of such marriage these persons speak. Consider you here with how great strength and weight of words these ungracious persons do blaspheme almighty God that call him the author and the

commander of abomination of filthiness and of cursedness etc. who ever heard so great blasphemy as is this?

Now whereas before they said that almighty God in decerning the laws speak with great strength and weight of words, it is true he did so for he speaks against the great vices and abominable living that the Egyptians and the Cananites did, but let these persons show where almighty God doth speak with great strength and weight of words against marriage between the brother and the brother's wife a widow left without issue. Against such marriage almighty God did never speak but he did command expressly such marriage.

And yet these false deceivers do apply the speaking of almighty God where he reproveth and spoke against the great sins of abominable living of the Egyptians and the Cananites to be against the marriage between the brother and the brother's wife a widow left without issue, and it is nothing so, wherefore you must note and mark well these person's sayings for they do not care how falsely they say, nor yet how falsely they apply God's sayings and holy scripture nor other men's sayings, so that they make such sayings to appear for their false purpose, also you shall see them bring in many things that pertain nothing to this, for to show that it is forbidden by the law of God and by the law of nature for a man to marry his brother's wife a widow left without issue.

And now you must note that in the old law all that ever is spoken with great strength and weight of words and forbidden and called cursed and abominable and filthiness, are not things that be forbidden by the law of nature,²⁴ nor they be not so called because they be all of themselves, for fish that hath no scales and fins as eels and counger²⁵ were called abominable for to eat, and yet it was not against the law of nature for a man to eat eels and counger. Also, all that creeps upon the ground was forbidden to eat in the old law, and was called abominable, and yet, to eat snails is not against the law of nature, for snails be good and wholesome and be eaten many places, and so likewise, if a woman should have worn a man's garment, she had done abominable in the old law, and for abomination it was forbidden and yet it was not against the law of nature. And so were things in that law called filthy and unclean and forbidden, and yet they were not against the law of nature,²⁶ as to touch carrion of certain beasts,²⁷ and many other things were forbidden as filthy and foul things, and finally you must note that the great and grievous punishments that were threatened in the old law, were not always threatened for breaking of the law of nature as the child that was not circumcised was threatened that he should perish from the midst of the people, and yet a child that is not circumcised does not offend against the law of nature. And yet beside all these ye must note that the same thing that was once against the law of nature, is always against the law of nature, for the law of nature doeth never move nor alter herself in no manner of time since Adam fell.

Furthermore, ye must mark and note that Saint Jerome saith in the prologue upon pleas that almighty God does command nothing but that which is honest, nor almighty God commanding dishonest things does not make them honest such as be foul of themselves: wherefore by this it

follows that for a man to marry his brother's wife a widow, was never foul nor evil of itself, {D} for then it could never have been good though almighty God had commanded it never so much. But almighty God did command such marriage wherefore such marriage cannot be against the law of nature. So now, these few replies²⁸ must take, and they shall help you to perceive the falsity of these deceptions.

Now where as these deceivers in the twentieth leaf of their book say, for faith if a man will marry well and examine these foresaid things religiously and with good consciences and so as they ought to be, how can he but approve the truth and allow the conclusions and determinations of these Universities and think certainly that it is forbidden both by the law of God and by the law of nature that a Christian man should marry his brother's wife a widow: this is these persons saying. To the which thus I answer, for faith if a man will weigh well this case of matrimony, if a Christian man may marry his brother's wife a widow, left without issue, and examine it with good conscience as it ought to be, how should he not straight way reprove and disallow the conclusions and determinations of these Universities' that say the contrary, and to think certainly that it is neither against the law of God nor against the law of nature for a Christian man to marry his brother's wife a widow without issue without issue. This shall every learned man that hath good conscience judge to be true.

Moreover, whereas these deceivers in the twenty first leaf of their book say that the sons of Cain the which were drowned in Noah's flood, they were so punished because they did foully abuse their sisters and their brothers' wives, wherefore these persons would conclude that it is against the law of God and against the law of nature for a man to marry his brother's wife a widow without issue. Here you may see a goodly argument. Cain sons did foully abuse their sisters and their brothers' wives, wherefore it is against the law of God and against the law of nature for a man to marry his brother's wife a widow without issue. What should a man say to so lewd an argument: but as the conclusion is manifest false, so is all the makers of the argument so about to prove.

Also, where as they say in the same leaf of their book: here ye may see before your eye the holy laws of God, here you may see the lively prophecies and the words of exceeding virtue and strength without issue. And anyone after they say, for faith it be cometh a Christian heart more to regard the words of God and his authority, which does forbid and so hate in abomination, so doeth punish and revenge such matrimony {D.ii} that is contract with the brother's wife, understand of a widow left without issue. Behold ye here how these persons lie upon the almighty God and upon his law. They say how that you may see before your eyes the holy law of God and the lively prophecies and the words of exceeding virtue and strength, and that a Christian heart ought more to regard the words and authority of God which so do forbid, so hate in abomination, so do punish and revenge such matrimony that is contract with the brother's wife and cetera. This I answer you is false: for almighty God in all the law did never forbid matrimony between the brother and the brother's wife a widow left without issue, nor he had such matrimony never in abomination nor he did never punish such marriage, as it is open in the old law,²⁹ wherefore you may clearly see before your eyes the shameful and abominable lies that

these pestilent persons do make and put forth in their book, the which, be so against the law of God and against the law of nature that the Pope hath no power to dispense upon such pernicious lies, no nor yet almighty God his law standing except they be penitent and live therein will mercifully pardon and remit those offenses.

In the twenty-second leaf of their book, they say that will show and prove by witness of the law and of the gospel and by witness of councils and of doctors how that it is against the law of God and against the law of nature for a man to marry his brother's wife a widow left without issue, and that the Pope hath no power to dispense upon such marriage. And first they bring in the holy Apostil Saint Paul where he did grievously reprove and punish a certain Corinthian because that same man had married his father's wife - her husband - his father being dead.³⁰ I say that this young man's father was alive when this young man took and married his mother-in-law. This is evident by the Apostle writing where as he said,³¹ "I did not only write unto you for his sake and cause that did the injury, nor for his sake and for his cause that suffered the injury etcetera." Now by these words you may see that this young man's father was alive, for the Apostle says that he suffered the injury, here upon these words of the Apostle these deceivers make this argument, for a man to marry his stepmother is forbidden in the same place by the same text by the same spirit and the same set time, that this other was: that a man should marry his brother's wife: whereupon thus they would infer and conclude, but it is forbidden by the law of God and by the law of nature that a man should {D.iii} marry his step-mother, wherefore it is forbidden by the law of God and by the law of nature that a man should marry his brother's wife a widow without issue, the major of this argument is false, the which is this. That it is forbidden in the same place of the law for a man to marry his step-mother where it is forbidden for a man to marry his brother's wife a widow without issue. This proposition, I say is false: for it is not forbidden in all the whole law for a man to marry his brother's wife a widow left without issue, and so therefore the words of Saint Paul helps nothing for these person's purpose.

And also, such marriage and fornication that the Apostle does here reprove, is not spoken of in the Levitical prohibition; for this young man that had married his mother-in-law did take her from his father: and so married her, his father's being alive, as the words of Saint Paul afore rehearsed do show, and therefore Saint Paul did not ground him in the Levitical laws when that he reproved this Corinthian for marrying of his father's wife. That the father was alive of the Corinthian that married his mother-in-law, it seems also by these words of the Apostle where he saith there is not such fornication heard of among the gentiles³² and Saint Paul being so well learned as he was, knew very well that the Gentiles had sometimes abused their father's wives, also, he knew that the Jews had abused their fathers' wives both before the law and in the law: before the law Ruben abused his father's wife, and so did Absalom in the law abuse his father's wives, therefore this offense that this Corinthian did was more than, for to lie with his father's wife, or else Saint Paul would not have called it first and so grievous fornication as hath not been heard of among the gentiles. But for a man to take away his father's wife from him and openly marry her and so keep her still; such manner of fornication hath not been heard of among the gentiles: and for by cause this Corinthian had done so, therefore the Holy Apostle did call that such fornication as had not been heard of and therefore he did sharply rebuke it and grievously correct it.

Also, Theophilacte expounding the fifth chapter prime Epistle of Corinthians, does suppose that the father of this Corinthian was alive when that this young man married his mother-in-law. For Theophilacte does call that marriage adultery, and also in another place expounding still the same chapter, he calleth this Corinthian act again adultery. And the abuse that man does with a woman that is not married is not called adultery, wherefore by this it seems that this young man's father was alive when that he married his father's wife.

Radulph of Laundry expounding the seventh chapter of the second Epistle of Corinthians does say this young man took away his father's wife and so he did his father injury and wrong.

John de Ruppella expounding the [rehearsed] chapter saith the same.

Peter de Tarantase upon the same chapter do likewise affirm and say.

In the twenty-second leaf of their book, they say that Saint John [the] Baptist did reprove Herod the King because he had married his brother's wife and he showed the King that such the King that such marriage was not lawful nor that King Herod could not keep his brother's wife: this is truth, for Herod had married his brother's wife, his brother being alive as shows Saint Jerome in commentary super Mattheum, chapter 19. And so do Joseph the Great storyographer of the Jews lib.10.18. Antiquitatie Chapter. 9. And also the same Joseph again in the same book, chapter 11, saith that King Herod's brother was alive when that Herod married his brother's wife. And likewise, does say the old writer and doctor Egesipe *Lib.20. secundo Capite quinto* of the Destruction of Jerusalem.

Danthmae writing upon Saint Mathew says Herod's brother Philip was alive when that Herod took away his brother's wife and therefore Saint John did rebuke King Herod.

Hugh Cardinal writing upon Matthew saith that Philip, Herod's brother was alive when that Herod take away his wife and married her, and therefore Saint John did rebuke King Herod.

Albert the great writes upon Saint Mark says that John did rebuke King Herod because he had married his brother's wife his brother being then alive.

Also, the Interlineal Gloss shows upon Matthew that Herod's brother was alive when Herod took away his brother's wife, and so doth many diverse other doctors.

Saint John therefore did justly reprove King Herod for he did know to marry his brother's wife, her husband being alive, but now Saint John did not say that a man might not lawfully marry his brother's wife a widow left without issue, for Saint John knew very well that such marriages were good and lawful and commanded in the law. So now ye may perceive that this saying of Saint John does nothing favour {E} this deceiver's purpose.

Now in the twenty-sixth leaf of their book, they bring in the counsels of the Apostles that they kept in Jerusalem where the Apostles decreed that the gentiles that were new come in to Christ faith should abstain and forebear fornication and forbear to eat of any beast, bird or fowl that was suffocated or strangled and to forebear to eat any manner of flesh that was offered to Idols and to forebear to eat blood as to forebear to eat puddings that be made of blood and now these deceivers³³ affirm that in and under the name of fornication, the Apostles did forbid that a man should marry his brother's wife a widow left without issue. But this is very false, for fornication was always forbidden in every law. But for a man to marry his brother's wife a widow left without issue, was never forbidden in the law of nature, nor in the old law, nor in the new, but as ye have heard, such marriage was in every law good and lawful. Wherefore, you may see that it is false to say that the Apostles under the name of fornication did forbid that a man should marry his brother's wife a widow left without issue.

And again, these persons can show no doctor that so expounds the decree of the Apostles. Here you may see how these deceivers do expound and apply scripture falsely for their false purpose.

Now whereas these persons in the twenty-seventh leaf of their book saying in Tertullian the which they say doth affirm that this Levitical forbidding that a man should not marry his brother's wife, was brought in, taught, and ordained especially and by name of Christ himself and his Apostles, because that all the whole church and company of Christ's faith should observe and keep it with devotion and reverence. This these persons say Tertullian writes: but yet it helps them nothing, for their false purpose: for after their writing and alleging of Tertullian, he saith that the Levitical forbidding that a man should not marry his brother's wife was brought in and taught, and ordained especially and by name of Christ himself and his Apostles, and I show you that for a man to marry his brother's wife widow left without issue is not forbidden by the Levitical law: and therefore this author helps these persons not a whit.

Now where as these persons do bring in Tertullian again in the twenty-ninth leaf and in the thirtieth leaf: that saying the commandment that bound the Jews to marry their brother's wife widow left without issue is now dead and ceased: and the contrary of this law hath {E.ii} place and he shows why the commandment is now ceased, for the causes wherefor such marriage was commanded in the old law be now taken away. And then he shows three causes why almighty God did command the Jews to marry their brother's wife's widows left without issue.

The first was because almighty God would that the old blessing increase you and multiply ought than to run forth and continue.

The second cause he saith was this: for as much as the children were punished for the father's faults then.

Thirdly, for because that the dry and baren persons were had for defamed persons.

There be now the causes that Tertullian alleged why almighty God did command in the old law that every man should marry his brother's wife a widow left without issue. And for as much as these causes (after Tertullian's mind) be now taken away, therefore he saith that the commandment that bound the Jews to marry their brother's wives is now ceased and dead and the contrary of this taketh now place.

First here I will answer to these reasons: second, I will show you how this commandment, that a man should always marry his brother's wife a widow left without issue, he now ceased and dead. And thirdly, how this is false to say that the contrary of that commandment hath now place. And finally, I will show you, for what reasonable causes almighty God did command the Jews to marry their brother's wives' widows left without issue.

Now I will turn to the reasons of Tertullian where as he saith that the cause that almighty God did command his people the Jews to marry their brother's wives' widows left without issue, was for because as yet the old blessing of God, "Increase you and multiply", ought to comfort and continue. This cause is nothing worth, nor yet met to show why almighty God should command the brothers to marry their brother's wives' widows without issue, for if other men beside the brethren had married the widows of the Jews that were left without issue, the old blessing of God, "increase you and multiply", might as well have run further and continued as though the brother's had married their brother's widows left without issue.

This no man can deny: therefore, Tertullian's reason is but small. {E.iii}

The second cause that Tertullian doth assign why almighty God did command the Jews to marry their brother's wives' widows without issue was this: for because then, the children, were punished for their father's faults, and every man now is punished for his own sin. This is not true, for almighty God saith by his prophet Ezekiel that the son shall not be punished for his father's faults.³⁴ Also it were against reason that almighty God should make a law to punish the children for the father's faults when the child is innocent, and the father faulty, also it were more against reason to punish the children for the faults of his own father natural and [than] for the faults also of his father that is his father but by the law: wherefore this can be no reasonable

cause why almighty God did command the Jews to marry their brother's wives widows left without issue.

The third cause that Tertullian does assign why almighty God did command the Jews to marry their brother's wife's widows left without issue was this: because that the barren and dry persons were had for defamed persons: therefore, an ordinance was made that they should have issue by another of their kin as you would say by a proctor. This cause likewise nothing worth, for the dry and barren persons might as well have had issue of other persons besides their brethren and kinfolk had married their wives' widows without issue, as though their brethren had married their widows, this is evident. Wherefore these sayings of Tertullian do not seem to be causes why that almighty God did command the Jews to marry their brother's wives' widows left without issue.

Now to the second point that I said I would show you that this commandment that bound the Jews to marry always their brother's wives' widows left without issue is now ceased and dead: that is to say, that no man now, Jew nor Gentile, nor Christian man, is bound to marry his brother's wife a widow left without issue under a pain, for this commandment was in the old law of Judicial: and all those commandments be dead and ceased. Now as touching the bond and pain, this is true: but yet it follows not of this that now it is against the law of God and against the law of nature for a man to marry his brother's wife a widow left without issue, and that the Pope hath no power to dispense upon such marriage: and so it is false, which is the third point that I said I would show you, to say that this judicial commandment that bound men to marry their brother's wife - widow without issue, is ceased and dead after this fashion: and thus the contrary to have place as ye may see by these examples. If a king in his realm would make this law that whosoever put out a man's eye should lose his own eye for it, who then could say that this law was now against the law of God and against the law of nature: truly no man. And yet this was a Judicial commandment and law with the Jews the which is now ceased and dead: that is to say, it binds no more now by that law. And yet the same may again be a new constitution. Ye and likewise this commandment might have been made again by the church, that a man in certain causes should have been shown to have married his brother's wife a widow left without issue. Wherefore you may see, that it is false to say that his commandment that bound men to marry their brother's wife widows without issue is now ceased and dead, and the contrary now to have place is false too: that is to say, that it is now against the law of God and law of nature for a man to marry his brother's wife a widow without issue.

Also, that this is false, it is evident by the opinion that Tertullian held and did conclude upon this saying: for Tertullian had this opinion, that it was unlawful for any woman to marry again after the death of her husband. Thus, he makes his reason, the law is ceased whereby a man should be bound to marry his brother's wife, wherefore if a woman's husband be dead, she may not marry her husband's brother, for that is now forbidden: and she may not marry any heathen man: for that is likewise forbidden to every Christian woman: and all Christian people be brethren in God ergo without issue.

All this saying is Tertullian's and of this saying it follows that a woman after the death of her husband may marry no more, for first, Tertullian saith that a woman after the death of her husband may not marry her husband's brother, for that he saith is now forbidden and all Christian men be brethren in Christ: and so then by that means, they be brethren to her husband that is dead: and then she may not marry any of them, nor again, she may marry no heathen man, for that Tertullian saith is forbidden also: wherefore he concludes that no Christian woman may marry after the death of her husband: the which I say is false and against the holy Apostle saying where as he writes that if a woman's husband die, let her marry says he,³⁵ where she will, so that she marry a Christian man. And Tertullian in his saying and book that he writes, he it in is convicted and condemned for heresy. And thus, I say therefore it is false and heretical to say and affirm that this commandment that bound the Jews to marry their brother's wives, widows without issue, is now dead and ceased and the contrary hath place: that is to say, that it is now forbidden by the law {F} of God and by the law of nature that a man should marry his brother's wife a widow left without issue, and the Pope hath no power to dispense upon such marriage.

Also, by bringing in the heretic Tertullian on this wise and in the book that is condemned for hereby, you may perceive with what spirit and conscience these persons have written and made their book. Here they leave out the book's name where they allege Tertullian: and they say on this wise in the twenty-eighth leaf of their book: and the same Tertullian writes in another place, and so they leave out the name of the book: which indeed is called *Monogamia*, the which book is condemned.

Also, in their English book they leave out part of Tertullian's saying and argument, where he would have concluded to have condemned the second marriages. By this you evidently perceive that these persons' opinion and saying, where they affirm that it is against the law of God and against the law of nature, for a man to marry his brother's wife a widow left without issue, is evidently false: (ye?³⁶) and suspect heretical, saying that they go about to prove their rehearsed opinion and saying by Tertullian where he is condemned for an heretic. Now to the fore with, I will show ye, for what reasonable causes it was command in the old law that every man should marry his brother's wife, a widow left without issue.

The first was that the land is of the Jews the which should go and continue by inheritance, should not go out of the blood and name and house that it came of and therefore it was commanded to the Jews that they might not sell the inheritance:³⁷ and then it was commanded and ordained that if a man died without issue that his brother (if he had any, or else his next kinsman) should marry his wife and the first child that this second brother had by his brother's wife, should be named the first brother's child and enjoy his land and so keep up the dead man's house and name.³⁸ Wherefore holy Chrysostom says³⁹ that almighty God in commanding the Jews to marry their brother's wife, widow left without issue, did excoriate and made a means to comfort such persons as should chance to die without issue. This is holy Chrysostom's mind so by this commandment and law if he chanced to die without issue, he was in a surety that the next of his blood, should enjoy and inherit his lands and uphold his house and name, the which was always to him that so died a comfort. For every man naturally had leave that one of his own blood

should enjoy and have his lands, than a stranger not of his kin, also every man would gladly have his name and house that he came of, to remain and continue: also beside this comfort that the man had this law was to mean a comfort that widow whose husband died without issue, for {F.ii} though she left her husband, yet she was free to be married again to one of his next kin, which was no small comfort to her, to be in a surety to marry one that she loved, for her husband's sake, and also to marry one that loved her for her husband's sake: Also this manner of marriage was a means to cause her husband's kindred to hear and owe love and favour still unto the woman that had buried her first husband: for by cause she married again, her husband kinsman for whose sake this kindred had loved her husband before: the which love would soon have waxed cold and grown slender toward the widow, if she had married out of her husband's kindred as we may see daily by experience. And finally, this manner of marriage was a special means to keep and continue that love and kindness that was between the woman's kindred and the kindred of her first husband: that which love and kindness would have diminished⁴⁰ and have decayed if the wife had married out of her husband's kindred, wherefore so to marry was a special means to keep love and kindness between kindreds. And if some of these causes had strength now in this Realm by an ordinance decreed, they would not be judged but good and reasonable. All this that no man should sell his inheritance, nor again that many inheritances should never come to one man's hand, this were peradventure a good and reasonable law. So thus you may see that this be reasonable and honest causes and political means, and very meat for that time for the commonwealth of the Jews: and therefore almighty God made this law that every one of the Jews should always marry their brother's wives, widows left without issue: And commanded the Jews to keep it. Wherefore you may evidently perceive that it cannot be against the law of nature and reason for a man to marry his brother's wife a widow without issue. And also it is by blasphemy to almighty God to say that he, with his infinite sapience and wisdom did make a law against reason and commanded it to be kept upon a great pain.

But now whereas these persons say that this law that commanded such marriages is now dead and hath no strength: surely, that is true for men (as I shewed you before) but yet stands it in their liberty to marry or not marry their brother's wife - widow without issue, and so it does not follow that it is now against the law of God and against the law of nature for a man to marry his brother's wife a widow left without issue: and that the Pope cannot dispense upon such marriage.

In the thirtieth leaf of their book, they bring in Gregory answering to a question that Saint Augustine had moved concerning marriage within degrees of affinity, saying on this wise. There is a certain earthly and worldly law within the domination of Rome, that the son and {F.iii} daughter of brother and sister or of two brothers may marry, or of two sisters, may marry together: but we have learned by experience that they could never issue come of such marriage. To this it may be thus answered: that now at this present time that is common of such marriage noble and great if few: as the emperor's children: for the emperor and his wife that now are, came of two sisters-german, for the emperor's mother and his wife's mother where both sisters and daughters to Don Ferdinando that was King of Spain. Also, we may see great and noble issue that is come of a man that married two sisters-german⁴¹ the which marriage is high in the degrees of affinity than is the children of the brother and sister-german in consanguinity. As the King of Portugal that now is and his brethren and the emperor's wife and his sisters the which

came of the King of Portugal, this man's father that married two sisters-german, that were both daughters to Don Ferdinando, King of Spain. And this said King of Portugal had by both these sisters' issue, yes, and yet after the death of these two sisters, his wives, he married the third sister's daughter, the which lady is now the French King's wife: and by this lady also the said King of Portugal had issue which is yet alive: Wherefore, we may see that of such marriage cometh the issue.

In the thirty-first leaf of their book, these persons do advertise the reader to mark three or four things of Gregory's saying. First that the Levitical laws where it is forbidden that a man should marry his brother's wife, with the other being the very laws of almighty God. And now the same laws be of the same strength that it is not lawful to contract matrimony contrary to that which is forbidden in the same. This saying helps nothing to these deceiver's purpose: for it is not forbidden in the Levitical law that a man may not marry his brother's wife a widow without issue. As I have often said before. Moreover, these persons say that Saint Gregory writes that the occasion of Saint John's martyrdom was this: because he would maintain and uphold the truth of the same laws against Herod the King, which had married his brother's wife. This saying likewise makes nothing for these person's purpose. First for by cause that for a man to marry his brother's wife a widow left without issue - it is not against the truth and authority of the Levitical law: for there is no such marriage forbidden there, nor saying John did not suffer martyrdom for reprovng of King Herod, for marrying his brother's wife a widow left without issue: for he did not reprove King Herod for such marriage. But he reprov'd King Herod by cause he had married he brother's wife, her husband, his brother, then being alive: and so in that King Herod did against the law of nature and against the Levitical law and if Saint John did uphold the truth and the authority of the Levitical law: we must suppose that likewise, he would uphold the truth of the Deuteronomic commandments that bound the Jews to marry their brother's wives widows left without issue, and then it is manifest that Saint John speaks nothing that can make for these men's false purpose. In the same leaf, these persons do affirm that Gregory does write that marriages which certain Englishmen had contracted with their brother's wives, and that even before they had taken them: saith upon them to be so unlawful and not to be spoken, that they could not without deadly sin render the duty of marriage to another, nor yet abide still in the same marriage. Here these persons say falsely upon Gregory and against his words and against his mind. For Gregory did admit those Englishmen that had married their brother's wives to be Christian and to retain and keep still their wives and also to come into the church and receive the blessed Sacrament of the Alter, the which Gregory would in no cause have suffered if he had judged such marriage to have been against the law of God and against the law of nature, nor yet Gregory would have suffered these Englishmen to continue still with their wives, if it had been deadly sin to them to have continued with their wives: And therefore ye may see that these persons speak directly against Gregory's mind: also ye shall see that they speak against Gregory's words if ye will look upon Gregory, but Gregory did exhort and teach the Englishmen that were newcome to the faith, that they should no more marry as they had done before and made them laws of matrimony that they should not marry their kinswomen in the first degree of affinity or consanguinity nor in the second, nor in the third, nor in the fourth.

That they write also in the thirty second leaf of their book: that Gregory saw that marriage between the brother and the brother's wife a widow without issue. Of this marriage they speak to be plainly ungodly and judged it abominable before God and man and also against the nature of man, and as nigh as can be unto the nature and life of beasts. This these persons say Gregory saw and did judge such matrimony to be. And they which saying they affirm that Saint Gregory does blaspheme almighty God: and also his holy law: for if Gregory saw and judged marriage between the brother and the brother's wife to be abominable and odious to God and man, and also to be against the nature of man, and as nigh as can be unto the nature and life of beasts: {G} then must it needs follow that Saint Gregory saw that almighty God in commanding such marriage did command that thing that was abominable and odious to God and man, and also that thing that is against the nature of man and that thing that is as nigh as can be to the nature and life of beasts: for as I have showed you, almighty God did command such marriage and also by this their saying of Saint Gregory, it doth follow that he saw as much abomination in the law of God which commanded the brother to marry the brother's wife a widow left without issue. And if it were so, then Saint Gregory did blaspheme God's law. Here ye may see what these persons say by Saint Gregory, also in the later end of the same leaf, these persons say that Saint Gregory saw how grievous punishment is abiding them which have defiled themselves with this foul sin. That they understand in the rehearsed marriage: therefore, he judged that neither peace, nor faith and Christendom, nor any other thing in this world beside faith, is of such virtue and goodness that is able to recompense and weight out the maliciousness of this deed: and so forth, with diverse great and sharp words as you may see in their book.

Now by this saying these persons do greatly blaspheme Saint Gregory and do say that he blasphemes almighty God, for if Saint Gregory should thus judge by marriage between the brother and the brother's wife a widow without issue. Then Saint Gregory should judge that almighty God in commanding such marriage commanded that thing that is so abominable and so evil, that there is nothing in this would be of such virtue and goodness that is able to recompense and weight out the maliciousness of this deed. Whoever heard any man say that almighty God would command so abominable a thing as these persons say Gregory judged marriage between the brother and the brother's wife widow without issue. to be: And such marriage commanded almighty God: wherefore this in no wise may be Gregory's judgement nor mind: for Ancelme⁴² (as these deceivers do allege) saith in an Epistle, that for certain honest cause there were holy men both before the law and in the law that did marry in the first and second degree of consanguinity as Abraham, Isaac and Jacob: In the law Caleb that married his brother's daughter, then if there may be honest cause why a man may marry his sister, there may be honest cause why a man may marry his brother's wife a widow without issue.⁴³ And then it follows that by some honest cause there may be a recompense for any offense in such marriage.

Also saint Ambrose doth excuse the daughters of Lot, saying that the good zeal that they had for to conserve mankind, the which {G.ii} they thought should have perished, did reward them so universally that it covered their dishonest private acts and then it follows that if their good zeal that they had did excuse their particular fault, there may be something in this world of such virtue and goodness that it is able to recompense and weight out the maliciousness of matrimony between the brother and the brother's wife a widow without issue. For in this or such marriage is

none offense against the law of God nor against the law of nature as ye have heard before. Wherefore it seems by this that Saint Gregory's mind was never to judge such marriage to be so evil as these persons would have him to do.

Nor Gregory's words do no so sound, nor signify, nor Gregory does not say that it is against the law of God and against the law of nature for a man to marry his brother's wife a widow without issue, and that the Pope hath no power to dispense upon such marriage and so all that these persons bring in of Gregory do nothing help their malicious purpose.

In the thirty third leaf of their book, they bring in Pope Zachary, the which answered the Bishop Theodore to his question whether that a man's natural son may marry with his father's god-daughter: and the Pope answered on this wise, "we be", saith he, "by the law of God commanded to abstain from our own kindred carnal, much more it is convenient that we should will all strength beware of her that is our father's daughter spiritual." Where upon these persons would conclude that it is against the law of God and against the law of nature for a man to marry his brother's wife a widow left without issue: and that the Pope hath no power to dispense upon such marriage. But this saying of Pope Zachary directly against their conclusion. For of his saying it follows: that the Pope may dispense and license the brother to marry the sister, and then it follows that the Pope may license a man to marry his brother's wife a widow left without issue, for it is no more forbidden for a man to marry his brother's wife a widow without issue, than it is for a man to marry his sister, but the Pope hath power by this Zacharias saying to license a man to marry his sister. This you shall see proved. The Pope hath power to license a man to marry his father's god-daughter, for that affinity doeth not let⁴⁴ marriage by no law, but only by the law of the church, as of itself it is evident and the Pope may dispense against the pure prohibition of the church: Wherefore the Pope may license a man to marry his father's god-daughter and now Pope Zachary saith that it is more forbidden that a man should marry his father's god-daughter than his father's daughter {G.iii} and yet upon such marriage the Pope hath power to dispense: Wherefore then he hath power to dispense that the brother may marry the sister, for if the Pope may dispense in the thing that is more prohibit, he may dispense in the thing that is less prohibited and then further, if the Pope may dispense upon marriage between the brother and the sister, he hath then power to dispense upon marriage between the brother and the brother's wife a widow without issue. This you see does follow of this Pope Zachary his saying, the which makes for the truth and against these deceiver's false conclusions.

In the same leaf, these persons do bring in the gloss that does go upon the words of Pope Zachary, the which gloss does make arguments that the Pope cannot dispense (though he would) in the second degree of consanguinity nor yet in the second degree of the first manner of affinity, for the second degree of consanguinity and of this affinity hath his beginning of the law of nature, and against by cause of the same degree it is forbidden expressly in the Old Testament of God. Here these persons show that the gloss makes the arguments and say that the Pope cannot (though he would) dispense in the second degree of consanguinity nor in the second degree of the first manner of affinity without issue. But they will not show you how the same gloss does also make arguments to show that the Pope may dispense in these degrees of consanguinity and

of affinity and yet that same gloss makes arguments for both parties and finally he determines neither this, that the Pope may dispense nor yet this, that the Pope cannot dispense, but this these deceivers will not rehearse in their book, and so now ye may see that the gloss which they do allege does nothing for their purpose. And also, if the gloss had said that the Pope could not have dispensed in the rehearsed degrees of consanguinity and of affinity, he had spoken directly against the text: for the text says that affinity spiritual in the first degree is more forbidden (in the which the Pope may dispense) than is consanguinity carnal in the same degree, as you have heard before and thus these persons would have the gloss to destroy the text which cannot be.

Furthermore, they bring in Pope Innocent, the third, to whom sent the Archdeacon of Biture to know whether that wife that was departed from her husband without judgement of the church by cause her husband and she were in so close degree of kindred that the See Apostolic could not, nor yet was wont to dispense with, ought to be restored again to her husband: mark well this question and case that this archdeacon asked of the Pope: and then you shall and may perceive better the Pope's answer that he made to the question and case. The Pope answers and says this woman which does know the kindred between her husband and her, especially in this degree which be forbidden by the law of God cannot have to do carnally with this her husband without deadly sin, and so finally the Pope saith that the woman shall not be restored again to her husband. Here the Pope answers very well, did nothing for these men's purpose. For as the case was put forth in general so that case purposed, the Pope answers in general, that is to say, that if a woman which was departed from her husband without judgement of the church because her husband and she were in so close degree of kindred that the See Apostolic, could not, nor yet was not wont to dispense with it: Then saith the Pope, if the woman knew this and so upon this is departed from her husband, she may not be restored to her husband again, nor be with him without deadly sin, for how could she be restored to her husband again or company with him without deadly sin? When that she knew her husband so near to her of kin that in keeping him company, and to be restored to him, she would do against the law of God and that the Pope could not dispense with her that she might turn again to her husband, nor he was not wont to dispense in such a case: all this is truth, but all this is in general: for it is not showed in what degree of kindred the woman could not be restored again to her husband, nor in what degree the Pope could not, nor was not want to license a woman that was departed from her husband to be restored again. And so all this saying of Pope Innocent makes nothing for these men's purpose. For the case that they speak of, is particular and special that it is against the law of God and against the law of nature for a man for a man to marry his brother's wife a widow without issue, and that the Pope hath no power to dispense upon such marriage. This Pope Innocent does not say, nor upon all his saying this no man can conclude. But this Pope Innocent is directly against this false opinion as it is manifest in the chapter. *Deus qui Ecclesiam*. Where it appears that he suffered the Jews which turned to Christ and received Baptism to continue still with their brother's wives that they had married before. But the heathens that turned and received baptism the said Pope would not suffer them to have more wives than one: which before had married them to more. And thus, by this may ye see that Pope Innocent is against these deceiver's false opinion and likewise he is against them in the chapter *Gaudemus*.

In the thirty sixth leaf, they say: “Now beside all this we shall prove the same by the authority of holy counsels.” This they mean that they will prove by the authority {H} of holy counsels that it is against the law of God and against the law of nature for a man to marry his brother’s wife a widow left without issue. To all the counsels that these persons do bring in, it may be briefly answered that there is none of them that say it is against the law of God and against the law of nature for a man to marry his brother’s wife a widow left without issue, nor yet this: that the Pope hath no power to dispense upon such marriages.

Moreover, ye must note that the prohibitions that the counsels have decreed to let marriage in degrees of affinity, were not made for, because such affinity let marriage by the law of nature as it is manifest in the third and fourth degree of affinity: no more is the first nor the second degree in the right line in the second line after the mind of these persons great Doctor, Peter de Palude: for he saith upon the eighteenth chapter of the Levitical book that the Pope may dispense in all the degrees of affinity there contained.

Now whereas there be diverse counsels and many deceivers and sayings of fathers that do forbid that a man shall not marry: his sister, his brother’s wife, his niece, nor his cousin-german: of such counsel, decrees and sayings, a man may gather that in the beginning of Christ’s church the people did used commonly to marry their sisters, their brother’s wives, their near kinswomen: and such as were near to them in affinity, for else surely the counsels and fathers would not have spoken so often of such marriages as they did: for experience does teach us that counsels parliaments and synods do not often times make many decrees against those things that be not in use but where be many decrees and laws made against a thing: the same decrees and laws do evidently show that the thing that they speak so much against was greatly in use. Wherefore saying that there be diverse counsels and many decrees and sayings that do now forbid that the people shall not marry in the first degree of affinity, in the ascendent line, nor in the side line, nor yet in the second, nor in the third degree of affinity: it is evident that the people did used to marry in these degrees before, and at the beginning of the church and then the people lived more justly and godlier than they do now: Wherefore it follows that for a man to marry his brother’s wife a widow left without issue or in the second degree of affinity cannot be against the law of God nor against the law of nature, for if such marriage had been so evil, the people that lived so justly and so holily before the prohibitions of such marriage were made and at the beginning of the church would never have used such marriage. {H.ii} So now this reason you may see that the counsels and decrees that do forbid now such marriage make against these pestilent persons false opinion.

Truly the cause why these fathers and counsellors did order and decree that the people should no more marry with their kindred and affinity in the first, second, and third degree, was this: for as much as those holy fathers and prelates did see and manifestly perceived that the charitable love and kindness that was wont to be among Christen people did sore minish⁴⁵ and decay.

Wherefore these fathers and prelates ordained and decreed that the Pope should marry all out of their kindred and affinity to knit in love such people to gather by marriage that were not knit to gather in love by kindred and affinity. We see by common experience that by marriage the kindred of both the persons that be married do love together: Wherefore the holy fathers and counsels did limit out certain degrees of affinity and kindred in the which they supposed that love would continue without the help of marriage and so they did forbid and command no man to marry in none of these degrees of affinity and kindred without the Popes license. But that the people should marry out of these degrees of kindred and affinity. This did these fathers and counsellors ordain and command to the intent to spread abroad and sow love and charity by marriage among the people that were not joined together in kindred and affinity. Here ye have heard the causes why the counsels and decrees did forbid marriage in the first, the second, and the third and fourth degree of affinity and kindred, whereby ye may see that for a man to marry his brother's wife a widow without issue or his niece or cousin-german, are not against the law of God, nor against the law of nature: but against the law of the church: with the which the Pope may dispense.

In the thirty seventh leaf of their book, these persons being in the counsels of Nicene and the Synod of Gregory the younger: where it was decreed according to the words of God: that a woman which had been married to two brethren shall be put back from communion and from the receiving of the Sacrament until she died and a man that had married his brother's wife should be an Anathema, in the which Synod, altogether answered, Anathema be he - that is as much to say (as these pestilent persons do expound it) as damnation to everlasting death. To this saying of the counsel and Synod, I answer: that their saying and excommunication is understand to be applied unto such persons as do marry themselves in such degrees of affinity without license of the Pope. As that woman that does marry herself {H.iii} after the death of her husband to her husband's brother: and so in likewise, that man which marries his brother's wife a widow without issue, for they that presume to marry on the rehearsed manner, ought to be punished as it is a sore spoken of: except that they be penitent and sorry for that they have done, yea and leave and forsake the men their wives, and the women their husbands: without the Pope license them to marry the said men and women that they had taken before. But yet the counsel and Synod did not decree to punish that woman which after the death of her husband, married her husband's brother: nor yet the man which married his brother's wife a widow without issue, for because they married against the law of God and against the law of nature as it is manifest, for there is nothing the counsel, nor the Synod that does decree and say that such marriage is against the law of God and against the law of nature. But the counsel and Synod did ordain and decree the punishments before referred for such persons as did presume to marry, as the woman with her husband's brother or the man with the brother's widow against the prohibition and decree of the church. And so now this counsel and Synod do not help these ungracious persons false opinion. But yet if these deceivers will say that the Synod and counsel or any other decree or counsel does forbid that a man shall not marry his brother's wife a widow without issue, for because that such marriage is against the law of God and against the law of nature: when that they show me this of any decree or counsel: shall be ready to make answer to it.

In the thirty second leaf of their book, they say on this wise last of all, and for a conclusion. That the sentence of Wyclif wherein he did hold that the prohibitions of matrimony written in the Levitical be only judicial precepts of Moses and therefore the causes of divorce brought in by the means of kindred and of affinity to be brought in without grounds and foundation and only by the ordinance of man was condemned as contrary to all virtue and goodness and as heretical and expressly against holy scripture in that great convocation that was first at London and after at Diford: and last of all in that counsel of Constancy. Here, these persons say falsely and they lie on Wycliff: for Wyclif never say that all the prohibitions of matrimony written in the Levitical law be but only judicial: nor the convocation, nor yet the counsel does not condemn Wyclif in that point and yet if he had said that all these prohibitions of matrimony had been but only judicial and the convocation and counsel to have condemned him for the same saying and to have judged all these prohibitions to be morals: yet all these would nothing have helped these deceivers false opinion: for as much as in the Levitical prohibitions is not forbid (as I often times said) that a man shall not marry his brother's wife a widow left without issue, and thus ye may see that all that they bring in for them can do them no service.

In the same leaf of their book, they say there be decrees of other counsels and answers in writing of other of the Popes which do subscribe and agree to their foresaid determinations and a none after this, it follows in their book. But we trust, gentile and indifferent reader, that these foresaid rehearsed things shall fully content thee for thou see here first of all in manner an whole common assent and agreement of the holy church and furthermore though first the Popes themselves do give so great majesty and godly authority unto the Levitical prohibitions, that they do plainly affirm and hold steadfastly: that whosoever does marry contrary to the commandment of these laws be not (indeed) man and wife: nor they cannot render one to the other the duty of matrimony without deadly sin: nor they cannot be together by any judgement of the church, thus say the Popes - all this is these deceivers saying and so with these words and sayings they would persuade and move the reader to believe that it is against the law of God and against the law of nature for a man to marry his brother's wife a widow left without issue: and that the Pope hath no power to dispense upon such marriage - but this (as ye hath seen proved before are very false: and whereas they say you may in manner see a holy common ascend and agreement of the whole church, (the which they understand to their opinion) this is also false. For the holy assent and agreement of the church hath agreed that the Pope may dispense upon marriage between the brother and the brother's wife, widow without issue. And consequently that such marriage is neither against the law of nature: for else the whole church and learned men of the Princes and Popes counsel would not have consented that he should have dispensed upon such marriage: if it had been against the law of God and against the law of nature and thus you may see that these persons saying is false which is this: That the whole assent of the church does affirm matrimony between the brother and the brother's wife to be against the law of god and against the law of nature, but the hole church of Christendom hath without reclamation approved such matrimony lawful and good: whereas these persons say that the Popes themselves have given great majesty and godly authority unto the Levitical prohibitions: these person's name very often and rehearse their Levitical prohibitions in general. But I would see them name one prohibition Levitical which does forbid that a man may not marry his brother's wife widow left without issue. This they should bring of the Levitical law the which would do them some service and {J} make well for their purpose: but his they cannot do nor no man for them: for as I have showed you such

marriage is not forbidden in the Levitical law, and therefore you may plainly see that to bring in the Levitical law, is nothing for their purpose.

In the thirty eighth leaf of their book, they say finally, to make an end. Thou shalt understand, gentile reader, that the requests and suits of diverse persons which have desired dispensation in these degrees have many times heretofore been denied and repelled by the Popes of Rome which answered them thus: "It is not in any case lawful for us to dispense with the laws of God": and this we shall show you hereafter. To this their reason and sophistically argument. I answer that although some Popes have denied to dispense in such degrees of affinity: yet upon this no man can conclude that therefore such degrees of affinity do let marriage by the law of God and by the law of nature. For the Pope may deny to dispense in the third degree of consanguinity and affinity in the side line and yet every man knows that the third degree of affinity and consanguinity does not let matrimony by the law of God and by the law of nature and also their argument is naught and sophistically. Also, the Pope may lawfully deny and not license a man's son to marry his father's god-daughter and yet such marriage is neither forbidden by the law of God nor by the law of nature and thus you may see that these persons reason is nothing worth. They say that you shall understand that Popes hath denied to dispense in such degrees: and I say that you shall understand that Popes have dispensed and license the brother to marry the sister and the son to marry the father's sister, and the brother to marry the brother's widow and one man to marry two sisters and also the same man to marry his wife's niece. And that Popes have licensed more persons to marry in such degrees of affinity and consanguinity as I shall show you hereafter. Wherefore you may perceive these deceivers' reason is of no strength.

Now whereas they say that the Popes, when they denied to dispense in such degrees, they answered thus: "it is not in any case lawful for us to dispense with the laws of God" - and this these persons say they will show hereafter - and I will make answer unto it when that they show it. Finally, to make an end: you shall understand that in the thirty eighth leaf of their book, they make an Epilogación,⁴⁶ and a great heap of shameful lies, saying moreover thou see (and except we be deceived) thou do {J.ii} grant without issue. I answer no more of their letter because you may see the residue in their book which is altogether false and so in the end of their second chapter in the thirty nineteenth leaf that makes a conclusion of the same stuff, saying that the sentence and determinations of their universities is of as undoubted credence and authority as can be. Where they say that to marry her that is left of his brother dying without children is so forbidden both by the law of God and by the law of nature: that the Pope is not of power to dispense with any such marriage whether they be already contracted or else to be contracted. This is the sentence and determinations of their universities: yet these persons (as ye have seen) have not proved it, neither by authority nor reason, nor they never shall, for the sentence and the determinations of their universities are manifest false and a great error heretical: wherefore if these persons had said that the sentence and determinations of the universities be as undoubted false as can be, where they say: That to marry her that is left of his brother dying without children is so forbidden so the by the law of God and by the law of nature and that the Pope is not of power to dispense with any such marriage, then, they had said truth: for without fail, the sentences and determinations of their universities are undoubted falsified as you have partly heard, and as ye shall see more hereafter.

In the third chapter in the thirty fourth leaf of their book, they say this: We think that we have well and sufficiently confirmed and established our intent and purpose by the Pope's laws and by the authority and counsels. Now next, we will go about to fortify and make good the same by the most excellent and most faithful interpreters and most true doctors that expound holy scripture. Here they say that they have well and sufficiently confirmed and established their intent by the Pope's law and by the authority of counsels: And yet you may see that they have brought neither Pope's law nor counsels that affirm these, their false purpose: That it is against the law of God and against the law of nature for a man to marry his brother's wife a widow without issue, and that the Pope hath no power to dispense upon such marriage. Wherefore they should have said that they had neither well, nor sufficiently confirmed and established their purpose: nor yet never shall by no faithful interpreter and true doctors that expound hold scripture; had these persons said thus, they had said truth, but that they love to say as their book does evidently show. Now I beseech you mark and note well what these doctors say that they bring in and how well they fortify these deceivers' purpose. First, they bring in and allege the great clerk Drigen, where he expounds the twentieth chapter of the Levitical. Now I {J.iii} beseech you look well upon all that they bring of Origen and you shall see that in no point he helps or favours their opinion.

In the forty first leaf of their book, they say that Chrysostom doth agree with Origen and they say truth, for he does nothing say that makes for their purpose.

In the forty second leaf of their book, they say that Basil the Great is of the same sentence and mind, that these other two foresaid doctors be and if it be so, then he does not fortify their opinion: for the other two doctors in no case favour and affirm this these persons' opinion. That it is against the law of God and against the law of nature for a man to marry his brother's wife a widow without issue, nor yet these doctors do not say that the Pope hath no power to dispense upon such marriage. Nor this cannot be gathered of these doctors' words nor conclude as you may see in these person's book, where they allege these doctors and if this doctor Basil be of the same sentence and mind, that Origen and Chrysostom be: then he helps nothing these persons' opinion: and it is indeed truth, for Basil in all his goodly Epistle does not say that it is against the law of God and against the law of nature for a man to marry his brother's wife a widow left without issue.

In the forty third leaf, they allege Basil again saying, If it fortune a man to be overcome with shameless and unclean affection to join so unlawfully that he couples himself by marriage with two sisters, this man is judged not to have contracted any marriage: And that he must not be admitted in to the communion of the church or come in the company of Christian folk before that they have broken this so sinful couple or bond and be departed thereon from the other. To this saying I answer thus: That it is understand on this wise, that if a man overcomes with shameless affection couples himself by marriage with two sisters *without the Popes license* that then he ought to be judged not to have contracted any marriage with the second sister: for because he did against the ordinance of the church: which hath decreed that no man shall marry two sisters: and also if any man will attempt the contrary and marry two sisters: that then the coupling with the second sister by judged no marriage: but rather the persons that so did couple themselves under

the pretence of marriage against the law of the church not to be admitted in to the communion of the church or come among Christian people before that they have broken these unlawful couple and bond and be departed the one from the other. Thus, on this wise, all Basil sayings is truth and makes against these persons' purposes and opinion. But they should rather have brought (if they had could) Basil to have said that he which couples himself to two sisters *one after the death of the other* for honest respects and causes, with the Pope's license, doeth against the law of God and against the law of nature, so that the Pope cannot dispense upon such marriage. If these persons had brought in this of Basil saying, it would have done them some service. But they cannot, and therefore Basil helps them nothing.

In the forty eighth leaf these persons allege Hesychius, Gregory Nazianzus scholar and excellent learned man in holy scripture to be of Origen, Chrysostom, and of Basil side, for he, expounding the Levitical law, saith thus etc. To this I answer, that if Hesychius be of the rehearsed doctor's side, then it follows with that he says nothing for aid these deceivers' false opinion. For neither Origen, Chrysostom, nor Basil speak nothing in to the favour of these persons opinion and thus Hesychius being of the other doctors side cannot help these persons opinion nor he doeth not help them, indeed, in no manner of point: as you may manifestly see in these person's book, where they do allege him, for they allege him where he expounded the eighteenth chapter in the Levitical book: where it is not forbidden that a man shall not marry his brother's wife a widow left without issue. As, I have often times showed you: Nor Hesychius doeth not say that such marriage is there forbidden: nor he doeth not say that such marriage is forbidden by the law of God and by the law of nature, nor yet he doeth say that the Pope hath no power to dispense upon marriage between the brother and the brother's wife a widow left without issue. And therefore, ye may perceive that Hesychius doeth nothing for these deceivers purpose.

In the fifty first leaf of their book, they say on this wise: Now with all these doctors opinions agree: Saint Ambrose, Saint Jerome, and Saint Austine. And first these persons allege saint Ambrose where as he answers to one Paterne which would have married his daughter's daughter unto his own son: which son was the maiden's half uncle, for Paterne, the father had his son by another woman, and in this case Saint Ambrose said thus: That the son might not marry with the father's daughter's daughter, nor yet the niece⁴⁷ with the niece, saying that the law of God forbids that the son should marry with the brother's daughter. This is now Saint Ambrose his mind. To this I answer that expressly we have in the same law of God that Saint Ambrose {K} speaks of: that the uncle married the niece and the niece married with the niece. As Othoniel married his brother's daughter which was called Ava: and the niece married with the niece, as the daughters of Salphat married with their uncle's sons⁴⁸ and here no man can say that these persons married their uncle's sons by a dispensation and license of almighty God: for they were not licensed but commanded by almighty God so to marry, for there was a law made and published by the reason of the daughters of Salphat as the very text here shows.

Responded Moses:

“filiis Israel and domino precipiente ait: recte tribus fifiorum Joseph loquuta eft and hec lev fuper filiabus Salphat a Domino promulgata est and fequitur fecerunt fifie Salphat ve fibi fuerat imperatum.”

And so these women married their uncles sons according to the law and commandments of almighty God and so in likewise the daughters of Eleazar married their uncle’s sons.⁴⁹ By this you may see it is not forbidden by the law of God, the son to marry with the brother’s daughter nor the niece with the niece, but such marriages were commanded by almighty God in his law. These persons say in the fifty second leaf that Saint Ambrose does affirm to be against the law of nature for a man to marry his daughter. This is true and no man will say the contrary, but this saying is nothing for these persons’ purpose, let them show where Saint Ambrose saith: It is against the law of nature for a man to marry his brother’s wife a widow left without issue. This these deceivers promise to show and bring in but they do not.

In the fifty fourth leaf of their book, they bring in Saint Jerome that marvels at the Patriarch Abraham for because he married his sister: being the thing so abominable, and saying again that almighty God ordained afterward a law for it, wherein he threatens that whosoever shall take his sister, either on the father’s side or on the mother’s side: and shall see her foulness: it is a rebuke and a shame. He shall be driven out of his country in sight of his own kin: he saith unhide the privets of his sister, he shall receive his reward for his sin, after this saying, these deceivers make an exposition upon Saint Jerome’s writing: and for because it is not to the purpose. I let it pass thought it be false and to Saint Jerome saying I answer thus: whatsoever Saint Jerome saith where they do allege him, I would show ye that Saint Jerome does not marvel nor judge Abraham’s marriage to be evil: but does excuse Abraham in that he married his sister saying, in the Hebrew tongue, it finds that Sara was Abraham’s sister: and in his excuse⁵⁰ he says that at that time such marriage was not forbidden by the law. Here ye may see that Saint Jerome does excuse the Patriarch Abraham that married his sister: and saith that in the time of Abraham {K.ii} such marriage was not forbidden by the law: the which must be understood, that such marriage was not forbidden by the law of nature. For if that such marriage had been lawful and against the law of nature: then Saint Jerome had not justified and excused Abraham in that he married his sister saying: that such marriages at that time were not forbidden by the law. And so thus now you may perceive that Saint Jerome’s mind and writing here is that it is not against the law of nature for a man to marry his sister. And so, by this Saint Jerome is against these persons false opinion.

In the fifty fifth leaf of their book these persons bring Saint Augustin where he writes against Faustus the Great heretic and says that the commandment of God that bound the Jews to marry with their brother’s wives’ widows left without issue, was a figure and did signify that the preachers should labour in the gospel to raise up the seed unto his brother departed: that is to our Saviour Christ which died for us. Here ye may see that Saint Austin saith that the commandment of God that bound the Jews to marry their brother’s wives’ widows was a figure and then it cannot be against the law of nature: as to offer up incense and to be circumcised were figures and

yet now they be not against the law of nature and thus Saint Augustin is not for these men's purpose.

In the fifty sixth leaf, they bring in Saint Augustin in another place where as he saith, although in time past men married their sisters, yet that thing was done because necessity compelled men unto it, but this thing is not now so old, nor was never so necessary: but it was made afterward as damnable, because religion doeth forbid it. Thus, here is the English of Saint Augustin's words, and after the same words that these persons have in their Latin book, but they have in their English book that it is not now as damnable, because religion doeth forbade it, and Saint Austen saith it was made afterward as damnable because religion doeth forbid it. And then if this, for a man to marry his sister be now made damnable because religion doeth forbid it: then it is evident that for a man to marry his sister is not damnable of the own nature: for that thing that is damnable by nature was and is always damnable and Saint Augustin saith that this thing, for a man to marry his sister, was made afterward damnable because religion doeth forbid it: and therefore it is not against the law of nature for a man to marry his sister: also Saint Augustin saith in the same place where these persons allege him that in the beginning of mankind {K.iii} it was lawful by all means that brethren to marry with sisters: but now (saith he) the custom is so against the marriage as though such marriage had never⁵¹ been lawful. By this ye may see that for a man to marry his sister is lawful by the law of nature: and it is forbidden by the custom: and then it follows that if such marriage be lawful by the law of nature, it is also lawful⁵² by the same law for a man to marry his brother's wife a widow left without issue: for this can be no more forbidden than for a man to marry his sister. And thus, you may perceive that Saint Augustin is against these person's false opinion.

In the same leaf, these persons would have you call to your remembrance of the judgement of these great divines four or five things. First whatsoever person of Christ believes breaks any of the Levitical prohibitions of marriage, he shall be damned both body and soul into everlasting death in hell. Note here I beseech ye how these pestilent persons openly slander and say false upon Saint Ambrose, Saint Jerome, and Saint Augustin, for there is none of them that doeth judge that whatsoever person of Christ believe, breaks any of the Levitical prohibitions of marriage that the shall be damned both body and soul into everlasting death in hell, as these persons do say upon them but it is these pestilent persons own malicious judgement: and yet all this makes nothing for these false opinion, for there is no prohibition Levitical that doeth forbid that a man shall not marry his brother's wife a widow without issue.

The second thing that they would have you note of the judgement of Saint Ambrose, Saint Jerome, and Saint Augustin, is this: That not only the Jews did abstain from marrying their brother's wives even as you would say, for fear of some mischief, and yet they might have done it by authority of their law: but the very heathens also after the death of their wives did evermore abstain from marriage of their wives' sisters as from a certain impiety or abomination against nature. Here these shameless persons falsely slander again these holy Doctors for they never did judge nor say that the Jews did abstain from marriage of their brother's wives for fear of some mischief that should fall upon them, for so marriage. Nor yet these holy men never said that the

heathens did evermore abstain from marrying their wives' sisters as from a certain impiety or abomination against nature. Wherefore you may see that these ungracious persons do falsely say and slander Saint Ambrose, Saint Jerome, and Saint Augustin, and not only in this their false slander these holy men, but they also do blaspheme almighty God: for in saying that the Jews did abstain from marrying their brother's wives for fear of some mischief that should fall upon them for so marrying, they say that almighty God in commanding and bidding the Jews to marry their brother's wives' widows without issue, commanded and bound them to a thing that mischief should come to the Jews for fulfilling and keeping of the same commandment, ye and beside all this, it follows that almighty God in commanding and bidding the Jew to marry their brother's wife - widow without issue, set the Jews in a miserable state and injurious perplexity, for if they married their brother's wife - widow without issue, according to the commanding of almighty God: then they looked for mischief to fall upon them for so marrying, and again, if they did not marry their brother's wife - widow without issue, then they should be punished with perpetual infamy and dishonour, for so had almighty God commanded to punish all those that would not marry their brother's wives' widows without issue. And thus, by these false deceivers' sayings, almighty God, in commanding the Jews to marry their brother's wives' widows without issue, set them in a marvellous grievous perplexity. Who does thus say, by almighty God, saying that he nourished the Jews with single benevolence and marvellous kindness, holy and just laws concerning them and their time? Wherefore you may see these persons in their saying do highly blaspheme almighty God: and do falsely say upon these holy men and doctors.

Now to the second part of this their second saying, whereas these persons affirm that the very heathens after the death of their wives did evermore abstain from marrying of their wives' sisters as from a certain impiety or abomination against nature. Here these deceivers confound themselves and speak against their own writing, for in the eighteenth leaf of their book, they say: that beside other mischievous vices, this thing was also lawful and customable among these heathens to mingle and marry themselves by the most shameful lust and pleasure of their bodes with them that be most nigh of their blood and affinity putting no difference between them and other women. This they said and write there and here they say the contrary. They say that the heathens after the death of their wives did evermore abstain from marrying of their wives' sisters as from a certain impiety or abomination against nature: therefore, you may clearly see these persons be past shame and care not what they write and say, that they might cause the reader to believe their false opinion.

The third thing that these deceivers would have you note of the judgement of Saint {L} Ambrose, Saint Jerome, and Saint Austin is this: that marriage contracted contrary to these prohibitions be uncomelier and abominable and as near as can be to the life of bruit beasts etc. Ye and further, they be the transgression and breaking of all the law. Here these false liars say again falsely on these holy men, for this they cannot show to be the judgement of Saint Ambros, Saint Jerome, and Saint Augustin. Also, these lies and false sayings make nothing for their purpose, for they speak of the Levitical law and their grounds themselves: where it is in nowise forbidden that a man shall not marry his brother's wife a widow left without issue.

The fourth thing that these deceivers would have you to note and mark of the judgement of Saint Ambrose, Saint Jerome, and Saint Austen is this: that marriages made contrary to the Levitical prohibitions be so grievous and so hateful in the sight of God, that they have destroyed whole nations, polluted the land and being polluted, caused it naturally, to grudge and put them out, which had committed such things. Here again these deceivers say falsely upon these holy men: for they cannot show this their sayings to be these doctor's judgement. Also, these lies and false sayings make no thing for these person's false purpose: for all their sayings are grounded in the Levitical law: and there it is not forbidden that a man shall not marry his brother's wife a widow left without issue.

The fifth thing that these persons would have you note of the judgement of Saint Ambrose, Saint Jerome, and Saint Austen is this: that the prohibitions Levitical pertain not only to the Jews, but to all Christians which come to serve God. And that they which be polluted with any of these not to be spoken deeds are defiled with them all. Here these shameless liars say falsely on Ambrose, Jerome, and Austen: for as I have showed you, they cannot bring where that this their saying should to be these holy men's judgements, and again this their false saying doeth not help their deceiver's false opinion as you have heard before, because they ground them in the Levitical prohibitions: but now for as much as in this their saying, they affirm, that if a man be polluted and corrupt with any of these not to be spoke deeds, he is defiled with them all: here ye may see how like themselves they speak, for of this their saying it follows that if a man lay with his sister (and so is polluted in that sin): that then he is polluted with his mother and with his step-mother, with his daughter, polluted with his niece, and with brute beasts, polluted with offering his seed in sacrifice to the idol Moloch, for all these and others more be forbidden in the Levitical law: who would say thus but these filthy and lying {L.ii} persons? Now you heard how these deceivers have slandered and falsely said of these three holy man Saint Ambrose, Saint Jerome, and Saint Austin.

In the fifty seventh leaf, they exhort you to mark well Saint Ambrose his saying and to that you have heard my answer before.

After these doctors, these persons bring holy Saint Anselm. Briefly, he, in all that epistle which these persons say is his: doeth not say that it is against the law of God and against the law of nature for a man to marry his brother's wife a widow without issue, nor yet this that the Pope hath no power to dispense upon such marriage: nor this cannot be gathered nor concluded of this saying of Saint Anselm in the rehearsed epistle as it appears in the fifty fifth leaf of their book. That Christian religion and perfection hath ordained that the bounds and butails⁵³ of consanguinity should be stretched further unto the sixth degree on every side according unto the deceiver of holy fathers and canons: so that kinfolk being in the sixth degree may not marry together: by this you may see that Saint Anselm doeth speak of such marriage as is forbidden by the law of the church: and therefore in the end of his epistle, he showed that both before the law and in the law, men upon certain honest causes and considerations married their niece kinwomen as their sisters and their nieces: before the law, as Abraham, Isaac and Jacob. In the law, Othaniel, the which marriages Saint Anselm doeth not say that they were against the law of

nature. But he does approve them good: for because the persons which so married did marry for good considerations and honest causes, yet for all that (saith he) Christian religion and the perfections that ought to be in a Christian man will judge nothing to be honest that is against the honesty of nature. So here Saint Anselm does persuade that we should not marry now our kinswomen but marry other for to spread abroad love and charity, for it is against the honesty of nature after his mind to marry within the sixth degree, for men and women do be the reason of affinity and kindred bare love naturally unto that degree. And therefore, Saint Anselm did extend the honesty of nature to the sixth degree as it appears by his saying before. And thus, you may see that Saint Anselm does not say that it is against the law of nature for a man to marry his sister and near kinswoman: but that for honest causes men have so married.

In the sixth fifth leaf, these persons bring in Hugh Cardinal: Rausse Flamacensis, Rute Tintiensis, Hildebart Lenomanese, Juo Carnotense, all bishops {L.iii} and one Walter of Constance, archdeacon of Duford and truly the first two Hugh Cardinal, and Rausse Hauiacensis expounding the eighteenth chapter Levitical. Briefly, here I answer, there is none of these Doctors that saith it is against the law of God and against the law of nature for a man to marry his brother's wife a widow left without issue: nor yet this that the Pope hath no power to dispense upon such marriage: nor this cannot be concluded of their sayings. Wherefore I passe over unto the seventh fifth leaf of these deceiver's book where they allege for their purpose the scholastic doctors.

Now among the scholastic Doctors, these persons do bring in Thomas in the seventy eighth leaf of their book: which saith that at the beginning of mankind, there were excepted from marriage, the father and mother, that is to be understand, that the father and might not marry with the daughter nor the mother with the son, but afterward, when mankind was increased and multiplied, there were many more persons excepted by Moses law. Briefly Saint Thomas in all his reasons before and after does nothing but declare that the father and the daughter, the mother and the son, were forbidden to marry together, by the law of nature. The other persons that were afterward excepted, he says were forbidden to marry together by the law of Moses: which law Thomas calleth sometime the law of God. This may you see plainly in all the process that these persons do bring in of Thomas from the seventy fifth leaf, unto the seventh ninth leaf and thus Thomas speaks not one word against this that a man may marry his brother's wife a widow left without issue, nor yet against this: that the Pope hath power to dispense upon such marriage.

These persons promised to bring doctors to speak against these things: but they be very slack in performing their promise.

In the same leaf, these persons do bring in Thomas saying infidels contract[ing]⁵⁴ within the degrees forbidden in the eighteenth chapter of Levitical - contrary to the law of God - whether both or one of them be converted to the faith - they may not abide still together in such marriage: for as much as Saint Thomas speaks here of the degree forbidden in the eighteenth chapter of Levitical: I will answer no otherwise but this: it is not forbidden in the eighteenth chapter of the

Levitical that man shall not marry his brother's wife - a widow left without issue: and therefore Saint Thomas speaks nothing for these deceivers purpose.

Also, to Altissiodorensis saying which they allege him to say that the precepts Levitical be morals: this saying does no service to these deceivers' false opinion, for as I have showed you, and am compelled often times to show you, that it is not forbidden in the Levitical law that a man shall not marry his brother's wife a widow left without issue. And if these deceivers were not past shame, they would not allege so often the Levitical law and prohibitions as they do say it makes nothing for their purpose or else, they should rehearse some prohibition Levitical that does forbid that a man shall not marry his brother's wife a widow left without issue.

In the eighty second leaf, they bring Peter de Palude: which says the Pope hath no power to dispense in the first degree of affinity no more than he hath in the first degree of consanguinity: for marriage forbidden is the law of God in the first degree of consanguinity or affinity not one straighter above the other: but the one of side half to the other as the brother and the sister in this degree. Also the Pope hath power to dispense because it is somewhat against the law of nature and a little after this Doctor Peter de Palude says that the Pope says that the Pope hath no power to dispense that a man should marry the wife of his brother although he died without children for how be it men were suffered to do thus in times past: yet that was not but by dispensation, ye and that dispensation was by the law of God and not by the law of men and again a little after this he saith that the Pope hath no more power to dispense with a man to marry his brother's wife a widow left without issue, then he says to dispense for a plurality of wives, for marriage between the brother and the brother's widow left without issue: was suffered for a certain time by the dispensation of almighty God, like as it was to have many wives. Here is this Doctor's mind which speaks somewhat for these person's purpose.

Now to this Doctor's saying I answer thus: and first to the point where he says that the Pope hath no power to dispense in the first degree of affinity no more than he hath in the first degree of consanguinity and that not only in the right line no more than in the side line: as the brother to marry with the sister: for because this is somewhat against the law of nature. To this, this Doctor Peter de Palude expounding the eighteenth chapter of the Levitical sayeth: that the Pope may dispense in all the degrees of affinity contained in the Levitical, for all these degrees (says he) some to be forbidden by the law positive. And now you may see by this Doctor's mind that marriage {M} between the brother's widow and the brother is not against the law of nature: for this Doctor says that the Pope may dispense in that degree of affinity and whereas he said that the Pope could not dispense that a man should marry his brother's wife a widow left without issue: here he says the contrary, for he says the Pope may dispense in all degrees of affinity that be contained in the Levitical law. Also, whereas he said that the Pope hath no more power to dispense with a man to marry his brother's wife a widow left without issue, than he hath to dispense for a plurality of wives: here you may see that this Doctor says the contrary, for he affirms that the Pope may dispense in all degrees of affinity contained in the Levitical law. And finally, whereas he says that it was suffered for a certain time that the brother should marry the brother's wife a widow left without issue, but this he says was by by the dispensation of almighty

God: like as it was to have many wives. This saying can in no case be true: for almighty God did not dispense in the old law, that a man marries his brother's wife a widow left without issue: but did expressly command that all the Jews should always marry their brother's wives' widows left without issue. And they should so marry upon a great pain. And therefore it is not true to say that almighty God did dispense with the Jews that they might marry their brother's wives widows left without issue, for they were bound to marry their brother's wives left without issue, by an expressed law of almighty God, also this can in no wise be called a dispensation: for a dispensation does always presuppose a commandment contrary to the license and dispensations: but in all the whole law there is no commandment that forbids that a man shall not marry his brother's wife a widow left without issue: as it is manifest. Wherefore it cannot be said that almighty God did dispense and license the Jews to marry their brother's wives' widows left without issue. Finally, by license and dispensation a man is set at liberty to use his dispensation or not to use it: but the Jews were not at liberty and at choice to marry their brother's wives' widows left without issue, or else to leave them.

But rather the law compelled the Jews to marry their brother's wives' widows left without issue, or else to punish such as would not marry their brother's wives' widows left without issue, with perpetual infamy and great dishonour. Wherefore it cannot be said that almighty God did dispense with the Jews to marry their brother's wives' widows left without issue, but he commanded them so to marry. The example also and similitude that this doctor Peter de Palude brought to show that almighty God did dispense with the Jews that they might marry their brother's wives' widows without issue. does {M.ii} not prove, in any case. He says on this wise that almighty God suffered the Jews to marry their brother's wife - widow without issue. like as he did suffer some persons to have more wives at one than one. This saying is not like: for the first, almighty God did command and bound every man to it: but the second, that a man might have more wives at once than one, almighty God did never command to persons in general nor in special: and so you may see that the example and similitude does not prove. Here peradventure some will marvel at this Doctor Peter de Palude which in expounding the laws Levitical does so directly speak against that he wrote in his book upon the *Sentences*. To this it may be answered that when he wrote upon the *Sentences*, he held that opinion: but when he came afterward and would expound the Levitical, he forespoke his opinion, which he held before: and here upon the Levitical book, he wrote the truth: wherefore upon the eighteenth chapter Levitical, he says thus. "In certain books it is written no man may take his brother's wife which" (says he) "is thus understood, no man may take his brother's wife (his brother being alive) for as much as the law, in another place, does command that a man shall marry his brother's wife a widow." And now by this saying this Doctor Peter de Palude is not only against the deceivers opinion in many points as ye have seen before: but here also he utterly does destroy all the ground whereon these persons would build their false opinion, for he says that the prohibition Levitical that forbids a man to take his brother's wife is understood to forbid him that he taketh not his brother's wife while his brother is alive, for as much as in another place the law does command that a man shall marry his brother's wife a widow. Thus, ye may perceive that this their great Doctor Peter de Palude does utterly destroy all these deceivers false opinion, for he shows and affirms that for a man to marry his brother's wife - a widow, is not forbidden in the Levitical law but he says such marriage is commanded in another place of the law.

In the seventy eighth leaf of their book, these persons bring in the authority of the bishop of Florens and John de Turre-Cremate which (as these persons do say, do agree in this matter with Peter de Palude, now if it be so, then they speak directly against this false opinion: for Peter de Palude speaks against it. And if these deceivers will say that the Archbishop of Florens and John de Turre-Cremata does agree with Peter de Palude, where he did err and now where he said truth, then surely, they should neither here be believed nor accepted. Briefly, these two rehearsed Doctors and Alexander de Alex whole saying and opinion these deceivers do not accept, they all ground them in Peter de Palude's {M.iii} first opinion, which he himself did after forsake and reprove and in the prohibitions Levitical to the which I have answered often times that it is not forbidden there that a man shall not marry his brother's wife a widow left without issue, and likewise does the Doctors that they bring after the said Cardinals and Walden that says the Levitical laws be moral precepts and of the ten commandments and that even to so many decrees as be taken up there unto the fourth. This unto the fourth these deceivers leave out of Waldens saying: though this opinion of Walden be false, yet I would not tarry upon it, nor upon Pope Martin's approving of Walden's book, nor yet upon the Doctors which they name without any rehearsing of their writings and opinions, for all these be impertinent to the purpose as every man may see in these deceivers' book where I pass over to the eighty seventh leaf.

In the eighty seventh leaf, these persons do allege two glosses of the law of Canon. John Andre and John Amola which do gather and conclude by the words of the very text of the chapter Literas: and also, by the words of gloss, there that the degrees written in the Levitical law be the same self-degrees in the which Pope Innocent himself does say that the Pope hath no power to dispense with. Here these persons say falsely of John Andre, for in the end of his answer, he concludes that the Pope may dispense in the first degree of consanguinity after that the matrimony be one consummated, thus ye may see how these shameless persons do lie.

In the eighty eighth leaf, they say that master Abbot is of John Andres opinion: and here also they lie falsely upon Master Abbot, for he there rehearsing diverse opinions, finally does conclude that the Pope may dispense in the first degree of affinity after the matrimony be consummated. Thus, ye may see that these false deceivers do not cease to lie.

In the eighty ninth leaf, these persons say that to those persons which the law of God does call nearest of blood, there can be no good, nor just cause for that which it might be suffered or dispensed with that one of the them that should discover the foulness of another, nor there cannot be alleged anything so honest that is able to cover the dishonestly of this thing. This is your own pestilent saying: here they greatly accuse Abraham, Isaac and Jacob: for they married with their sisters and with their uncle's daughters and if they cannot be alleged anything so good and honest that is able to cover the dishonesty of such marriages then these persons do condemn these holy patriarchs and say that marrying their kinwomen, they did shamefully and even that thing which is so evil that they cannot be alleged anything so honest that is able to cover the dishonesty of their marriages. Who will say thus by these holy fathers and patriarchs, but these ungracious persons that Saint Jerome does excuse Abraham in that he married his sister and shows that in so marrying, he did not offend, as ye have heard before. And Saint Austen against

Faultus the Monarch, shows that Jacob did not offend in marrying of his uncle's daughter and Saint Ancelme in the epistle, that these persons affirm to be his, says that for certain considerations and honest cause, men sometimes married their near kinwomen both before the law and in the law: before the law, as Abraham and Isaac and Jacob; in the law: as Othoniel. These holy men judge these marriages to be honest, just and good: which these ungracious persons do falsely damn for to color their damnable opinion.

In the ninetieth leaf of their book, these persons would have you to mark especially which diverse of these holy and approbate Doctors do hold, also that the brother cannot marry a woman that is but only handfast unto his brother: and if he does: the marriage cannot stand by help of any dispensation and that all such marriages must needs be utterly broken. Of this opinion these persons say is Master Lire and also the noble divine Hugh de Francio Victore, and so in the ninth second leaf of their book they say that marriage by the first degree of consanguinity and of affinity is not only forbidden in the Levitical law: but also, marriage in the first degree, for a justice reason did only upon a certain common benefit and some lines, is forbidden by the law of God in the Levitical: and so cannot be dispensed without blame. Here ye may see how openly and without all shamefulness they lie. They bid you mark which diverse of the holy and approbate Doctor's do hold that the brother cannot marry a woman that is but only hands-fast to his brother after his death (thus they must understand it) and if a man does: the marriage cannot stand by help of any dispensation. First these persons have brought no doctor that this does affirm and there is neither master Lire, nor Hugh de Fancio Victor that does say that the Pope cannot dispense with a man that he may marry that woman which was only but hands-fast to his brother after his brother's death. Hugo de F. Victor in all his long protests that these persons bring in, hath not a word of the Pope's power and dispensation nor master Lire in this case. Moreover, it is evident that it is but only forbidden by the law of the church that a man may not marry his brother's spouse after the death of his brother. There is no scripture, nor Doctor saying that such marriage is forbidden by the Levitical law, nor again there is no Doctor that does say that the Pope cannot dispense in this case. You may see what persons be {N} these; they care not how falsely they say they be not ashamed to speak against all reason and learning.

For to prove their afore-rehearsed saying; they bring in a case: that there was a man which had his eldest son handfast to a maid, and so this young man died: and then his father bound himself by oath⁵⁵ to the maiden, that he would marry his youngest son to her, and upon this, he made suit to the Pope which was Alexandre the third: and he would not dispense and license this man's younger son to marry the maiden: but let the man that swore he would marry his younger son to the maiden by pa?iu?ide:⁵⁶ where upon these persons would conclude, that the Pope cannot dispense that a man may marry his brother's spouse after his brother's death, which is false: for this argument is nought to say. The Pope will not dispense upon such marriage: wherefore, it follows that he cannot dispense upon such marriage. This you see does not follow, for the Pope does not always dispense where he may dispense. Also, if the Pope were bound to dispense in the third and fourth degree of affinity with every man that did or would suit to marry in these degrees, then the prohibition was no prohibition. Also, whereas these persons say that the Pope Alexandre did affirm in his answer to the brother of Papy that it is written in the Levitical that the brother cannot have the brother's spouse and therefore he commanded the bishop that he

should not suffer lency⁵⁷ that hath sworn to marry his younger son to the maid to fulfil his purpose. To this I answer that it is not forbidden in the Levitical law that a man shall not marry his brother's spouse: nor there is no manner of mention made of any such marriage and so ye may see that all that ever they bring, is not for their false purpose.

In the ninety third leaf, of their book, upon their undoubted false lies and sayings, they would thus conclude their false purpose saying: Wherefor seeing that these things be thought true to so many and discrete authorities that it is not lawful for a man to marry his brother's spouse: how much more unlawful ought we to think this thing that a man should marry his brother's wife a widow with whom his brother hath had carnally to do and that he should uncover the privates of her without issue. Here again they continue with these customable lying, for they say that many discrete authorities have in deed that it is forbidden in the Levitical law that a man shall not marry his brother's spouse: and such marriage is so unlawful that the Pope cannot dispense upon it. This ye see is manifestly false: for there is no discrete authorities that so says and if there be any authorities that so judge: why do not these persons bring them in? But they say very falsely: for there be no discrete authorities that so judge and say. {N.ii}

Wherein this their saying they would have men to judge and believe that it is unlawful for a man to marry his brother's spouse. And then much more unlawful for a man to marry his brother's widow with whom his brother hath had carnally to do without issue. Here these false deceivers speak covertly. But I will show you a very truth, which is this: The Queen's grace that now is, was a maiden when her grace was married last, and in witness and record that this is true, her grace hath sworn and testified upon a book and received the blessed Sacrament of the alter, that she was a maiden when his grace was last married. Wherefore the determinations of the faculty of divinity and the canon of the University of Paris (though that they be false) yet they invoke nothing against this matrimony, not the determinations of both the faculties of law of the university of Anglea, nor the determination of the divinity of the university of Biturs, for these have determined on this wise: That if there were past between the husband and the wife carnal copulation: that then the brother may not marry his brother's widow: nor the Pope cannot dispense upon such marriage, so now though the determination of these universities be false, as be all the others: yet these beside help no thing the pestulant and malicious purpose of these pestulent persons: for as much as the Queen's grace was a maiden, when she was last married.

Here now ye have heard part of this shameless person's manners: part of their manifest errors: part of their damnable lying: and part of their blasphemy, you have also heard how that they have brought in holy scripture, counsels and Doctors for to have colored and fortified their ungracious and false opinion: and yet they cannot bring it to pass, nor never shall. Wherefore, although in the beginning of this my answer, I showed and proved sufficiently the truth of these propositions. That it is not against the law of God nor against the law of nature for a man to marry his brother's wife a widow left without issue. And that the Pope hath power⁵⁸ to dispense upon such marriage: now yet, I will show you the same more largely by holy fathers, Doctors, and Popes sayings, and first that such marriage is not against the law of nature.

First Saint Jerome does excuse Abraham⁵⁹ in that he married his sister and does justify and defend Abraham for so marrying. For such marriages says Saint Jerome, were not then forbidden by the law of nature. And if it be not forbidden by the law nature a man to marry his sister: much less, was it forbidden a man to marry his brother's widow left without issue. {N.iii}

Saint Austin sayeth⁶⁰ that in the time of Abraham, men might lawfully marry with their sisters of the one side: or of both sides, and if it were lawful and not against the law of nature then for men to marry their sisters: it is not against the law of nature then for a man to marry his brother's widow, without issue.

Holy Chrysostom⁶¹ does show reasonable causes why almighty God did command the Jews to marry their brother's widows without issue. and then such marriage cannot be against the law of nature and reason.

Tertullian, these deceivers Doctrine does allege certain causes which be judged good and reasonable why the Jews should in the time of the old law marry their brother's wife - widow without issue. Wherefor he did not judge such marriage to be against the laws of reason: seeing he assigned (after his mind) reasonable causes: whereby men might lawfully marry their brother's widows, yet ye shall understand that I do not approve Tertullian's reasons, that he shows for such marriage: but yet by his reasons it appears that he did not judge marriage between the brother and the brother's widow without issue. to be against the law of reason and nature.

Rupert upon the Levitical says that Abraham after the custom of the heathens among the which he dwelled, did marry his own sister: and yet for all that he did not sin, for as much as onto that time, he had not by the law commandment to the contrary: nor yet by the voice of almighty God. Now where there is no commandment (says he) there is not transgression of the law, so by this doctor's saying, ye may clearly see that it is not against the law of nature for a man to marry his sister, and then it is not against the law of nature for a man to marry his brother's wife left without issue.

Hugh of Saint Victor says⁶² that in the institution of matrimony, there were but two persons except: that is but the father and the mother: so that it was forbidden then, that the father should not marry with the daughter nor the mother with the son, but all other persons might lawfully marry together by the first institution of matrimony. After this (says this doctor) came the second institution of matrimony which was made by the law written and that did except certain other persons beside the father and the mother, and this was done either for to ornate nature or else to augment and increase chastity. And then to marry the brother with the sister or the near kinsman with the near kinwoman began to be unlawful by the prohibition that before was lawful and granted by nature.

By this doctor's mind, ye may evidently see that it is not against the law of nature for a man to marry his sister and then it follows that it is not against the law of nature for a man to marry his brother's wife widow without issue.

Saint Thomas says⁶³ that the prohibition Levitical that forbids that a man may not marry his sisters is a prohibition and a commandment judicial and he in likewise says in another place,⁶⁴ that it was not forbidden by the law of nature that a man should not marry his sister, wherefore if it be not against the law of nature for a man to marry his sister, it is not against the law of nature for a man to marry his brother's wife a widow left without issue.

Saint Thomas again says⁶⁵ that by the law of nature, it is forbidden that the father shall not marry his daughter nor the mother her son: other persons near of kin be forbidden by the law of God and then it follows that for a man to marry his brother's widow without issue is not against the law of nature.

Peter of Blesen says that at the beginning there were no more persons excepted from matrimony but the father and mother that is to say: that the father may not marry the daughter, nor the mother with the son. And therefore, says this Doctor, it was said for matrimony, a man shall leave and forsake his father and his mother, and take him to his wife. But afterward, (says he) the lawmaker did except more persons and forbade more degrees.

Saint Bonaventure⁶⁶ in answering to an argument that infidels which turn to Christ's faith ought not to retain their wives which they had married before if so be they had married themselves to their sisters or near kinswomen such as be against the order that Christen people do keep in marriage, says thus: that for a man to marry his sister is forbidden by the commandment of the church: and therefore, when heathen turn to the faith they must conform themselves afterward to the order of the church: and not to marry against the church's prohibition: but if they married their sisters before: then they may not be separate: for the ordinance of the church does not extend to that, so Saint Bonaventure does say that for a man to marry his sister is but against the law of the church and not against the law of nature: for if it were against the law of nature: then the ordinance of the church would dissolve and break it: the which Saint Bonaventure sayeth, the church cannot do: and then if it be not against the law of nature for a man to marry his sister, it is not against the law of nature for a man to marry his brother's wife without issue etc.

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Thomas also of Argentine⁶⁷ shows that infidels may marry in the degrees that be forbidden to Christen men, for if they be Jews, then they may marry with their kinswomen in the third and fourth degree: for these were forbidden to them but the first and second degree as shown the eighteenth Chapter of the Levitical and if the infidels be Gentiles and follow only the law of

nature then they may marry in the first and second degree: for though the written law positive do forbid such marriages: yet it seems that the law of nature does not forbid them: the which is manifest in the olde fathers that were before the law, for Abraham married his sister and Jacob his uncles daughter. and if it be not against the law of nature for a man to marry his sister: it is not against the law of nature for a man to marry his brother's widow left without issue.

Also, Pope Zachary says (which these deceivers do allege for them in their book) that it is more forbidden that a man shall not marry his father's god-daughter: and that a man ought more forbear to marry with her than to marry with his father's daughter: and yet it is evident that it is not against the law of God, nor against the law of nature for a man to marry his father's god-daughter, for that is forbidden but only by the law of the church. Wherefore, it follows that it is not against the law of nature for a man to marry his father's daughter: for if that thing that is more forbidden be not against the law of nature: then that thing that is less forbidden in the same kind of forbidding is not against the law of nature and this Pope Zakary speaks of one manner of forbidding of marriage and then it follows upon this saying of this Pope that it is not against the law of nature for a man to marry his sister. And so then it is not against the law of nature for a man to marry his brother's widow without issue.

Now ye have heard by these holy fathers and men of great learning how that it is not against the law of nature for a man to marry his sister. Whereof follows that it is not against the law of nature for a man to marry his brother's wife - a widow left without issue. The whole universal number of expounders of Holy Scripture do affirm that from the first Institution of Matrimony, unto the time of the law of Moses: there were no more persons excepted and forbidden to marry together by the law of nature: but these: The father with the daughter, and the mother with the Son. All other persons might marry together in the side-line in any manner of degree of consanguinity or affinity.⁶⁸ Wherefore, Saint Augustin does defend the holy Patriarch Jacob the which {O.ii} married two sisters and had them both at once: and they were his near kinswoman, for in the second degree and the one of them was joined to him by lines in the first degree of affinity and beside these two wives, this holy man Jacob had other two wives and they were to him and among themselves in the same degree of affinity. And yet Saint Augustin does justify this holy Patriarch Jacob in thus marrying: saying on this wise, it is said onto Jacob for a great offense that he had four wives but he is cleared and quit of this offense by a general proclamation. First for as much as when the manner and custom was to have more wives than one, then to marry so was non offense, but to have more wives at once now is offense: because that the custom is contrary and it follows anone after. Some sins and offenses be against nature. Some be against customs and some be against precepts and commandments and when it is thus, what offense is laid to this holy man Jacob in having many wives: and if ye ask nature why Jacob had so many wives, she will answer for him that he did not take them for the inordinate lust and pleasure of the body: but he used his wives to increase and multiply faithful people if you ask custom why Jacob took so many wives: it will answer that at that time, in that country, their manner was so to marry: if ye ask the commandment why Jacob took so many wives: it he will answer for because that there was no law that forbode it. But wherefore is it now an offence to take more wives at once than one: that is for because laws and customs do forbid it, ye and that although a man would take more wives for to increase and multiply faithful people. Thus you

may see by Saint Austin that it is not against the law of nature for a man to marry in the first degree of affinity. Peradventure some will make this objection and say that almighty God did dispense with Jacob that he might marry on the rehearsed wife and in such degrees of affinity and consanguinity and so he did likewise with other holy men before the law. Saint Augustin's words do take this objection clean away: for a dispensation (to this purpose here) is a license granted against some law or a declaration of some law. And by Saint Austin's words then there was no law that forbode Jacob so to marry and then had he no need of license to marry so: nor there was not law to be declared and therefore after Saint Augustine's mind: Jacob did not offend against the law of nature and then after this time almighty God did forbid certain degrees of consanguinity and affinity: as the first and second by law positive and commandment which Moses did declare unto the people: and these prohibitions have now no strength but by a new ordinance which that the church made that Christian people should not now marry in these degrees nor in the third. Thus, have ye heard before of the sentence of Thomas of {O.iii} Argentine and the prohibition Levitical: that a man should not marry his brother's wife (understand a widow) to be a law positive: and the same we may have of holy Chrysostom saying⁶⁹ he shows why almighty God commanded the Jews to marry their brother's wife - widows left without issue. And then he asked why a man might not marry his brother's widow that had children left by her husband. To this he answers and said that it was done for because that the law maker would have affinity to go further abroad whereby men might be knit together. So, by this it appears that the prohibition Levitical which forbade that a man should not marry his brother's widow was a law positive and a political precept which now hath no strength but by the reason of the constitution of the church. Also, it do appear that it is not against the law of nature for a man to marry his sister: his near kinswomen: for if the custom and law of the church to the contrary were away, many discrete men with right judgement of reason had leave marry their sister and near kinswomen than other women. And yet not for no filthy or unclean desire: but rather for the natural love that they have to their kinswomen they should be moved to use them very honestly in all acts: ye and much better than they should use any other women. This I suppose that the most part of discrete men and women (that do or will examine this well) will thus judge. Thus, now ye may perceive that it is not against the law of nature for a man to marry his brother's wife a widow left without issue.

Now I shall show ye that it is not against the law of God for a man to marry his brother's wife a widow without issue. First it is not against the old law of God: but there is and was a commanded law universal and bound all the Jews to marry always their brother's wives left without issue. and that upon a great pain as ye heard declared before, and no man can say that the Jews married their brother's wife - widow without issue. by a license and dispensation of almighty God: for that ye have seen manifestly improved.

Saint Chrisostom says⁷⁰ that the law did compel the Jews to marry their brother's wife - widow without issue. and so, such marriage is not against the old law, but it was there commanded.

Also, for a man to marry his brother's widow without issue, is not against Christ's law: but rather Our Saviour Christ did approve such marriage as ye saw here at the beginning of my answer.

Also in all the new Testament, there is no expressed prohibition against the Deuteronomic precept which bound the Jews to marry their brother's wife - widow without issue, nor yet of all the new testament no man can gather to conclude a prohibition against that Deuteronomic commandment ye and beside this, there is no man that can conclude of any scripture in the new testament any prohibition to let marriage in any degree of affinity or consanguinity beside the prohibition of the law of nature, this is manifest: wherefore, for a man to marry his brother's wife a widow is not against the law of God for it is neither against the new law nor the old.

But yet for as much as divers Doctors do say that it is against the law of God to marry in the first and second degree of consanguinity and of affinity ye shall understand that the church hath made certain constitutions and laws upon the Judicial commandments and examples of the old law as that Priests and religious men shall say their Canonical houses and service of the which constitution the church took their ground in the old law: as in the Psalm *Septies in die laudem divi tibi domine*. And again, *media nocte furgebam ad consitendum tibi*. Likewise, the church hath ordained and constitute that we shall fast the Lent: In the making of this law, the church grounded it in the examples of the holy fathers of the old law: which fasted. forty days: and in the example of the fasting of our Saviour Christ and upon this Saint Augustine, Saint Jerome and Maximum say that the Lent is commanded to be kept and fasted by the law of God. Also, the church hath ordained and decreed that no man shall marry in the first and second degree of affinity and consanguinity and took example and occasion in the prohibitions of the old law in making this decree and ordinance and therefore often times Doctors say that it is forbidden by the law of God that a man shall not marry in these degrees. Wherefore these rehearsed things and laws which be only ordinances of the church, yet be they called the laws of God: for because the church in making them took occasion and example in the old law. Therefore, when any Doctor says it is forbidden by the law of God, that a man may not marry in the first degree of consanguinity and affinity: it must be understood that such marriage is said to be forbidden by the law of God: because that upon the prohibitions in the old law (which now have strength) the church hath made a new constitution which does forbid marriage in these degrees. This rule perceived, now I will show that the Pope hath power to dispense and license a man to marry his brother's wife a widow left without issue.

The Pope hath power to license and dispense against any prohibition made by the church: This is so evident that no man can deny it. And it is only a prohibition of the church that a man shall not marry his brother's wife a widow without issue. Wherefore it follows that the Pope may in this case license and dispense that a man may marry his brother's wife a widow left without issue.

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This reason and argument is good and the first proposition of it is true. And the minor and second proposition I will prove, that it is but only a prohibition of the church that a man may not marry his brother's widow without issue. First it is not forbidden by the law of nature, nor by the old law nor in the new law as ye have heard. Wherefore such marriage is only forbidden by the prohibition of the church.

The same does affirm Master Duns saying⁷¹ that affinity lets matrimony, but that is not but because of the statute of the church etc., and so then it is not forbidden but by that statute of the church that a man shall not marry his brother's wife a widow.

Saint Bonaventure says⁷² that it is not unlawful for a man to marry his sister, but for because that the statute of the church hath forbidden that no man shall marry his sister and then it follows that it is not forbidden but by the statute of the church that no man shall marry his brother's widow without issue, for this can be no more forbidden than the other.

Also Saint Bonaventure says⁷³ that a Jew which hath married his brother's wife - a widow - and so turns to Christ says: ought not to be divorced from his wife and so by this holy Bonaventure saying it is not forbidden but by the church that a man shall not marry his brother's wife a widow, for if such marriage were forbidden other by the law of God or by the law of nature then the Jew that had so married and came to the faith: ought to be divorced and separated from his wife: that which Bonaventure does deny wherefore it is not forbidden but by the ordinance of the church that a man shall not marry his brother's widow without issue.

Also, these false deceivers great Doctor Peter de Palude expounding the eighteenth chapter Levitical says that all degrees of affinity there contained seemed to be forbidden by that law positive.

Also, Frances Marro says⁷⁴ that at the beginning of Christ's Church, affinity did not let persons to marry together: for there was then no law positive for it.

Wendelyn says⁷⁵ that affinity letteth marriage only by the statute of the church: which have ordained that persons joined in certain degrees of affinity shall not marry together.

Now by these Doctors minds, ye may perceive that it is only forbidden by the law of the church that a man may not marry his brother's widow, wherefore the minor and second preposition of the reason principal is true and so is this conclusion that the Pope may license and dispense that a man may marry his brother's wife a widow without issue. There be also Doctors that do confirm this conclusion. First Peter de Palude expounding the eighteenth chapter Levitical says that it seems that the Pope may dispense in all degrees of affinity that be contained in the same chapter.

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Also Doctor de Rubone says⁷⁶ that the church may dispense in any manner of degree of affinity or consanguinity that is of the side line: as with the brother and the sister and so forth in consanguinity and the brother with the brother's widow and so forth in affinity.

Also, John Cardinal de Turrecremata⁷⁷ disputing in the degrees of affinity and consanguinity and after answering to an objection that he made against this. That the Pope suffers that Jews that had married their brother's wives according to the old law to retain their wives still after that they be Christened; he sayeth, if a man died without issue that then it was not forbidden by the law of God, but the brother might marry the brother's wife and therefore he says that the Pope does not properly dispense with the Jews that thus come to that faith. But rather he does command or consent that the Jews: shall still remain with their brother's widows that they have married, so by this Doctor's mind it was not forbidden in the old law that a man might not marry his brother's widow left without issue, and also that the Pope may consent to such marriage.

Also, Tactitan says⁷⁸ that the Pope may dispense with all persons in marriage except the father with the daughter and the son with the mother: now by these Doctors minds ye see that the conclusion of the principal argument is true that the Pope may dispense that a man may marry his brother's widow without issue.

Now beside all this evident proof: yet to establish and fortify this undoubted truth that a man may, by the Pope's license, marry his brother's widow without issue. I will show ye the same truth by experience of Popes which have dispensed in like marriage or in marriage that is as greatly forbidden as for a man to marry his brother's widow without issue.

First Pope Innocent the third, willed and consented that Livonienses which had married their brother's wives and afterward turned and came to Christ says that they should continue and keep still their brother's widows as it appears in the *Decretallis capi. Deus qui Ecclesiam*.

Also, Pope Martin the fifth did dispense and license that the brother which had known his own sister carnally to marry afterward that same sister.

And Pope Alexander the first did license the King of Portugal that last was to marry his wife's sister, notwithstanding that he had, by his first wife, a child. And also, the same Pope dispensed with the same King after the death of his second wife, his first wife's sister, to marry his wife's niece: and yet he had many children by the second wife.

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Also, Pope Alexander did license and dispense with Don Ferdinando King of Sicily to marry his father's sister: which is more than to dispense with a man to marry his brother's widow without issue.

Also, Pope Juli the second did dispense with the King of England that he might marry his brother's wife a widow left without issue.

And Pope Leo the tenth granted unto the Austin Friars throughout Christendom that they might dispense in the first degree of affinity: that is to say that if the brother had married or contracted with the brother's widow wittingly or otherwise: that those Friars might license those persons to continue still so married: so that the persons married or contracted in that degree of affinity were not accused nor openly complained on before a judge or are they required the dispensation.

Also, in like degree of affinity the Pope did dispense now of late with a noble man of France, who is called my Lord of Luce: so thus, now you may see by the Doctor's minds and by the experience of the Popes exercising in this case, licenses and dispensations, that the Pope may license a man to marry his brother's widow without issue etc.

Finally, this confirms the great learned counsel of Princes and Kings: which were examined to show the truth whether that the Pope had power to license men to marry in the afore rehearsed degrees of affinity and consanguinity. And these great learned men that were of those Kings and Princes counsel's affirmed and granted that the Pope might license and dispense upon such marriage and so did also the Popes learned counsel ye and so did the Universal number of the learned men in Christendom: for they heard and knew of such licenses and dispensations granted. And the marriages by the licenses were made and yet they never reclaimed nor spoke against them. Wherefore now ye may evidently see and perceive that the opinion of these deceivers is false: where as they say that it is against the law of God and against the law of nature: for a man to marry his brother's widow without issue, and that the Pope hath no power to dispense upon such marriage and that this is very true that for a man to marry his brother's wife a widow is neither against the law of God nor against the law of nature: and that the Pope hath power to dispense upon such marriage. And also, by this you may clearly see that the determinations of the Universities be manifestly false.

Now these deceivers' opinion thus openly reprov'd and showed to be false and the truth in this matter declared: I will return again unto their book.

In the ninth fourth leaf of their book these persons say that there be many, and that strong and invincible reasons the which may seem to declare and lighten the sentence of the universities and their reason they will bring in and for this purpose they bring in many definitions and deceptions of the law of God and of the law of nature without issue. The which I do not pass upon: because I would not be too long and so I come to the one hundred eighth leaf of their book wherein they say on this wise:

“Therefore saying that God himself here does plainly pronounce and give sentence: that the Cananite and Egyptians did fill their land and spot it with filthiness, while that they did contract marriage with their brother’s wives: and that he, for that cause did greatly abhor them: and did most rightfully take vengeance upon them and punished them most sharply: it cannot be non-otherwise, but is must needs follow that God hath judged this thing to be shamefully dishonest: and of itself (as they say) mortally evil and naught: and also against the rightfulness of natural law and reason: ye and to be abominable and abhorred.”

This is these false deceivers own saying and note and mark it well. First it is manifestly false, for almighty God did never punish the Egyptians and Cananites for because they married their brother’s wife - widow left without issue, nor he did never abhor them, nor there is no scripture nor Doctor that says that almighty God did destroy and punish the Cananites and Egyptians because they married their brother’s widows. Wherefore it is shamefully false: to say that almighty God did punish and destroy the Cananites and the Egyptians for marrying their brother’s wife - widow left without issue.

Also in this their saying, these deceivers speak directly against their own writing, for in the fifty sixth leaf of their book, they write that the very heathens, after the death of their wives did evermore abstain from marrying of their wife’s sisters as from a certain impiety or abomination against nature. This they wrote there and here they write that almighty God did take vengeance upon the Cananites and Egyptians for marrying of their brother’s widows without issue, the which is no more impiety than for a man to marry his wife’s sister after their own opinion: yet beside this, these deceivers in their afore rehearsed saying do greatly despise and highly blaspheme almighty God, for it follows of this their saying that almighty God, in commanding the Jews to marry their brother’s wives widows left without issue. that he commanded them to foul and spot their land with filthiness while {Q} that they did contract marriage with their brother’s widows without issue. and that for fulfilling of his commandment he did abhor the Jews, ye and of these deceivers saying, it follows that almighty God in commanding them to marry their brother’s wives widows did command them to do that thing: for that which he should take right vengeance upon them and punish them most sharply and also that almighty God did command the Jews to do that thing the which is shamefully dishonest and of itself morally evil and naught and against the rightfulness of natural law and reason ye and to be abominable and abhorred. All this these persons say by marriage between the brother and the brother’s widow without issue, for of this manner of marriage is their speaking: or else it is not for their purpose and almighty God commanded the Jews to marry their brother’s widows left without issue.

And this did not almighty God only command: but also commanded to punish with a grievous pain all these that would not marry their brother’s widows wherefore to despise such marriage is nothing else but to despise and blaspheme almighty God: which commanded such marriage. Whoever heard any man that durst say that almighty God did command any manner of people to do that thing which is shamefully dishonest of itself and morally evil without issue, as these blasphemers say marriage to be between the brother and the brother’s widow left without issue, yes - which Almighty God did command. Therefore, you may clearly see how highly and

grievously these persons blaspheme almighty God. Here now you have heard one of these persons invincible reasons that they said they would bring in for to give light unto the determination of their universities.

In the one hundred sixth leaf of their book, these persons say that there was never nation so beastly, none so without all humanity, but that they perceived and knew that they ought this honour duty and reverence to their brethren and brother's wives: that they should refrain from their marriages. This is these person's own saying: here they despise and blaspheme almighty God again: for of this their saying, it follows that almighty God in commanding the Jews to marry their brother's wives, that he was more beastlier than any nation, and that he did not perceive nor knew that the people ought this honour, duty and reverence unto their brethren and brother's wives: that they should refrain from their marriages. This great blasphemy you may see follows of their sayings. And thus, now you have heard another of these persons invincible reasons. In the same leaf of their book, these persons say that he that hath seen anything in the old stories and {Q.ii} laws must needs know that this manner of incest have been had in great infamy, reprove and slander and that not only in one city or country: but almost in every place and among all men been condemned as a certain wickedness against nature. This is against these persons own saying: wherein they add most blasphemy, for of this saying it follows that almighty God in commanding the Jews to marry their brother's widows without issue, commanded them and that upon a great pain, to do that thing that is condemned in all countries and cities, for a certain wickedness against nature. Here now ye have heard another of their reasons invincible: Surely these may well be called strong and invincible reasons in blaspheming and despising of almighty God for I think no man, no, nor yet the devil himself can make none stronger nor more invincible for to despise and blaspheme almighty God than these pestulent persons do here make.

But now for as much as these ungracious persons do thus despise and blaspheme not only almighty God: but also his holy law and commandment, I am compelled to desire ye to call to your remembrance that thing which I have showed ye before, that is to say that almighty God did never in all the old law command anything to be continually kept and that upon a pain: but that which was just, good, and help and a mean that the keepers of it might be saved and come to everlasting life. And therefore, almighty God says *Custodite leges meas atque iudicia: que faciens homo vivet in eis.*⁷⁹ And this is the cause that the blessed Apostle calleth the old law holy and the commandment holy, just and good, saying. *Lev quidem sancta and mandatum sanctum justum and bonum.*⁸⁰ For though the Jews in the old law used certain things that were neither good nor godly, yet was there nothing commanded in the old law to be continually kept but that was holy, just and good to the keeper: and (as I have said) a mean where he might be justified and safe and in that law it was commanded that every man should always marry their brother's widow without issue, wherefore such marriage was holy, just and good. This argument is evident, both by the very words of almighty God and also by the words of the Apostle and so now by this ye may evidently perceive how that these ungracious persons in despising of marriage between the brother and the brother's widow without issue, do despise and blaspheme almighty God and his holy law.

In the one hundred seventh leaf of their book, they say that they will show two reasons which shall prove as openly as it can be, that a man cannot marry his brother's wife, first because that affinity does as well let marriage as does consanguinity. Second, because that he that so marries does shame {Q.iii} and dishonestly unto his father. And for to prove the first reason, these persons say that not only by the law of God so many persons be excluded from marriage in the line of affinity, as to be excluded and forbid in the line of consanguinity: but that also the church is compelled to set the bounds of marriage in the lines, both of affinity and consanguinity in like distance and degree and for to show this ordinance of the church, these persons bring in Saint Gregory and Pope Juli, Saint Austen, Isodore and Master Abbot. Thus, now I suppose these persons would make their argument. Affinity does as well let marriage as consanguinity: but it is forbidden by the law of God and by the law of nature that a man shall not marry his sister because of their consanguinity: Wherefore it is forbidden by the law of God and by the law of nature: that a man shall not marry his brother's wife because of their affinity.

To this argument, I will answer. First with their own Doctors, Saint Peter de Palude, which expounding the eighteenth chapter of Levitical, says that it seems that the Pope may dispense in all the degrees of affinity there contained, but not in all the degrees of consanguinity and with this saying, this Doctor does deny these person's principal proposition of their argument which is this: that affinity does as well let marriage as consanguinity for he says that affinity does not let marriage as does consanguinity because that (after his mind) the Pope may dispense in all degrees of affinity contained in the eighteenth chapter of the Levitical law: and so he cannot in all degrees of consanguinity that be there forbidden.

Also this first and principal proposition of these persons argument is false: that affinity does as well let marriage as consanguinity: for consanguinity may let marriage by the law of nature, as the father may not marry with the daughter, nor the son with the mother, by reason of their consanguinity: and therefore these persons were forbidden to marry together by the law of nature and exempted at that first institution of matrimony, but so were no manner of person in no degree of affinity: wherefore this proposition is false, that affinity does as well let marriage as does consanguinity.

Also in the *decrees La. Non dz, extra de consanguinitate and affinitate*,⁸¹ it is written and decreed that the child that is had in the second marriage may marry with the kin of the first husband and thus if I married a wife and so died, the children that my wife had by another man might marry with my kin as the son that my wife had by another man might marry my sister, notwithstanding the affinity that was sometime between my sister and my wife: and this decree was made by counsel general, but after my death, my son may not marry with my sister by the reason of consanguinity which by me remains still in my son toward my sister. And therefore, it is false to say that affinity does as well let marriage as does consanguinity.

Furthermore, and if it were granted that affinity which is between the brother and the brother's widow did as well let marriage as does consanguinity that is between the brother and the sister:

yet this granted, it would nothing help these deceivers' false opinion, for it is neither against the law of God, nor against the law of nature for a man to marry his sister. First it is not against the law of nature for a man to marry his sister as ye have heard it declared before: nor it is not against Christ's law, for our Saviour Christ did never forbid such marriage: nor no man can conclude of any scripture in all the new testament that it should be forbidden that a man may not marry his sister: and as to the old law, where it was forbidden that a man should not marry his sister: that prohibition now hath no strength: and therefore it is not forbidden by the law of God nor by the law of nature for a man to marry his sister. Wherefore the second proposition of these persons argument is also false: which is this. That it is against the law of God and against the law of nature for a man to marry his sister and therefore their conclusion is false which is this, that is is against the law of God and against the law of nature for a man to marry his brother's wife a widow left without issue. Thus, you may see that these deceivers first reason is false and naught.

The second reason that these persons say does openly prove that man cannot marry his brother's wife a widow without issue, is thus.

"Because that he that so marries does shame and dishonest to his father. The which in the one hundred, twenty eighth leaf of their book they go about to declare on this wise: he that marries his brother's wife, taketh his father's flesh and blood to marriage: the which thing plainly is against the law of nature, for saying the husband and the wife be one flesh and blood: truly he that taketh his brother's wife taketh also the flesh and blood of his father and as for our brother is the flesh and blood of our father and mother and the more near to them than any of both their sisters because he is their own son, therefore if it be against the law of God and against the law of nature to marry our father's sisters or our mothers sisters or else the wife of our father's brother or our mother's brother whose wives be but of affinity to us and that only in the second degree: truly much more it should be against nature to marry our brother's widow: for the nearer that they come to the stoke to be one flesh and blood: the more they ought to be forbidden: but our brother is more nearer unto our father and is above said than either our uncles or aunts."

This is now these person's second reason the which I beseech ye to note and mark well and ye shall see what goodly learning and sophistry they show in it, for to perceive this their argument, ye must note how the husband and wife be one {R} flesh and blood: and how the father and the son be one flesh and blood. First, the husband and wife be one body in consenting together in their minds and wills and in giving and granting each of them to other the use of their bodies and thus on this wise be the husband and the wife one body and blood and the father and the son be one flesh and blood by the reason that the sone is engendered of the father's seed and substance by natural propagation and now for to say that he that marries his brother's widow marries his father's flesh and blood, that is to say the same flesh and blood that come of the widow's husband's father by generation: is openly false, for the widow does not come of the seed and substance of her husband's father nor no part of her body and blood cometh of her husband's father's flesh and blood: for to make her on this manner of flesh and blood with her father-in-law. And this these Sophisters must prove if they would have their argument good, for they must show that like as the father and the son is one flesh and blood, so is the son and his wife one

flesh and blood. Which is false: for the son and the wife, be one body after one manner and the son and the father be one flesh and blood after another manner: as I have showed ye before and therefore their argument is nought and does nothing for their purpose.

Also, the widow is no more one body with her husband that is dead: and therefore he that marries the widow does not marry her father-in-law's flesh and blood, the antecedent may be declared thus: if the widow were still one body with her husband that is dead, she might never marry more: for she might not grant and give the use of her body to no man: for she is one body still with her husband that is dead and so then might she never marry which were the heresy that Tertullian was condemned in: wherefore it is false to say that he that marries his brother's widow, marries his father's flesh and blood.

Furthermore, of this these persons reason ye may conclude: that the father and the son may not marry the mother and the daughter thus, for he that taketh and marries his father's wives' daughter, does marry and take his father's flesh and blood, for the father and his wife is one flesh and blood: and the daughter also is one flesh and blood with her mother and with her father-in-law by reason that he is one flesh and blood with his mother and whosoever marries his father's flesh and blood: does against the law of nature, wherefore, the son may not marry with his mother-in-law's daughters: which is manifestly false.{R.ii}

Of this reason ye may conclude that two brethren may not marry two sisters, thus: he that marries his brother's wives' sister marries his brother's flesh and blood, for the brother and his wife be one flesh and blood and the brother's wife and her sister be one flesh and blood and the brother's wives' sister is one flesh and blood with her sister's husband and he is one flesh and blood with his father: wherefore his brother may not marry his wives' sister for as much as she is his father's flesh and blood, by reason that her sister hath married his brother. Ye may see what a Sophistical reason these persons bring in greatly to their own rebuke and shame if they had only shame.

Also, this is manifestly false that they say that he which marries his father's flesh and blood does plainly against the law of nature for a man's son may marry by the law of nature his brother's daughter's daughter, which is his father's flesh and blood. This no man will deny wherefore, it is false to say that he that marries his father's flesh and Blood does against the law of nature. Here now ye have heard these persons second reason by the which they said that they would prove that a man might not marry his brother's widow without issue. and they have nothing done but showed themselves Sophistries, full of words and empty of all truth and reason.

Also in this their second reason, they say it is more against the law of God and against the law of nature for a man to marry his brother's widow without issue, than for a man to marry his aunt of any side. Of this saying, it follows that almighty God in commanding the Jews to marry their brother's widows did command them to do that thing that was against the law of God and against the law of nature: and bound them to the same upon a great pain: and that thing that was less

against the law of nature, he forbade them: which is a commanding and a doing against the right order of reason. For reason wills the thing which is most evil, should be most forbidden and of these persons saying it follows that almighty God did contrary in the old law and thus these persons despise almighty God's commanding and doing.

In the one hundred and forty first leaf of their book, they say that Christ neither did nothing, nor said nothing: but that he had taken of his father: nor brake nothing of them: which his father commanded, and would have done. This they understand in things that were commanded and in such as were forbidden in the old law: for they would by this their saying conclude that the Pope hath no power to dispense and license a man to marry his brother's wife a widow without issue, for because they say, that such marriage was forbidden in the old law. And our Saviour Christ did never brake nothing of them which his {R.iii} father commanded and would have done: wherefore, the Pope that is Christ's Vicar, cannot license upon such marriage. Upon this their saying it follows that the Jews be bound still to marry their brother's widows left without issue: and to circumcision and to all the ceremonies and Judicial: for almighty God would that the Jews should keep them and commanded them to keep these and our Saviour Christ did never break nothing of them which his father would have kept. Wherefore, the Jews be now bound to all these, ye and to all the whole law of Moses. This is false and against the teaching of the Apostle where he says if ye be circumcised Christ shall do you no good: nor the keeping of his commandments shall be nothing profitable to you.⁸² And again Saint Paul speaks against Peter to his face⁸³ because he would that gentile that were converted to keep the ceremonies of the Jews. Here now ye may see that the Apostle did teach the people to break and to do contrary to the old law: ye, and so hath the church decreed and made that no man shall now marry his brother's widow which is against the commandment of the old law.

But for as much as they say that our Saviour Christ did never break nothing of them which his father almighty God commanded and would have done: you must note and understand that almighty God did command certain things to be kept for a certain time, and in like manner certain things he did forbid for a certain time as the Judicial and ceremonies of the old law he would have such as were commanded to be done, the people to fulfil them and keep them: and such as he forbade that the people should not do them and yet for all this, almighty God did not command the Judicial nor ceremonies always to be kept: but he willed that the Jews should keep them unto the time that it should please him to send his son to take upon him our nature: and so to be very God and man our Saviour Christ: and so to show unto the world further his father's will and pleasure and what he would have all manner of people to keep and obey from that time forward: and then our Saviour Christ did dissolve the Judicial and Ceremonies of the old law, so that no man should be bound to keep them any longer: nor put any longer hope or trust of salvation in them.

And from that time forward that all manner of people should put their hope of salvation in believing in Almighty God and in Justly keeping such laws and such commandments as almighty God had sent unto them by his son our Saviour Christ. And thus, our Saviour Christ took away after his coming the Judicial and ceremonies of the old law according unto his father's will and

commandment, for the time of them was then expired but now I must return unto these person's sayings which is this.

"It was commanded by almighty God in the old law that a man should not marry his brother's widow without issue and our Saviour Christ never brake nothing of them which almighty God commanded and would have done: wherefore the Pope cannot dispense upon such marriage."

To this reason I answer that the major of the reason is false: which is this: that almighty God commanded in the old law that no man should marry his brother's wife widow without issue, for in the old law, almighty God did expressly command the Jews always to marry their brother's wives' widows left without issue command. and that upon a great pain and therefore it is false to say that almighty God did in that old law that no man should marry his brother's widow without issue and so therefore is this false that the Pope have no power to dispense upon such marriage: which these persons would conclude upon these false propositions.

In the one hundred, forty fifth leaf of their book, these persons write that the Levitical prohibition that man should not marry his brother's wife a widow without issue. Thus they must understand it or else it is not to the purpose though it was limited and restrained of almighty God in the Deuteronomy, yet for all that: because afterwards that said restraint was taken away of God himself: by the coming of Christ: here these persons do not declare what they mean and understand by limiting and restraining of the Levitical prohibition, nor yet what they would have understood by the taking away of the restraint at the coming of our Saviour Christ: but whereas they say the Levitical prohibition that a man should not marry his brother's widow, was restrained in the Deuteronomy, here these persons say manifestly false: for as I have said often times, and as ye have heard many Doctors say, ye and as the Levitical law itself sayeth, that there is no such prohibition there and therefore, there was no restraint made upon that prohibition: nor yet our Saviour Christ did not at his coming take away the restraint: for the was none to be taken away but in the Deuteronomy almighty God did plain and straight command that the Jews should marry always their brother's wives widows left without issue, and this confirms Isichius saying:⁸⁴ that the law Deuteronomic did not only command men to marry their brother's wives widows: but it did also compelled them so to marry. This therefore can be called no restraint: and thus, all these persons sayings are false.

In the same leaf, these deceivers say that if the Pope now-a-days could, by dispensation, cause that a man might marry after the law of the Deuteronomy, his brother's wife which doeth die having none issue for to raise up seed for to his brother: without {S} doubt, he should make Christian men at these days to follow the Jews ceremonies and superstitions which the Pope cannot do no more than he can cause that we should keep the Sabbath day: or that there should be circumcision. To this I answer that the Pope cannot by dispensation cause a man to marry his brother's widow without issue, as the Jews in the old law married theirs. Nor the Pope doeth not license a man to marry his brother's widow after that fashion and manner: but the Pope doeth

license and dispense that a Christian man may marry his brother's widow as a King or a Prince to marry his brother's widow to bemean that question and peace may be kept between realms and realms: and for to continue love and friendship between Christian Princes and for other such reasonable and profitable causes, concerning the commonwealth of Christendom and thus for these and such causes the Pope doeth and may dispense that a man may marry his brother's widow without issue, and not after the manner of the Jews: and therefore these persons bring in a thing that no man will deny and yet it is nothing for their purpose.

In the one hundred, fifty third leaf of their book, these persons say that like as a man may freely fulfil his purpose of a more holy living (the saying nay and forward forbidding of his indiscrete prelate notwithstanding) even so it is in marriage that if a man conscience move to divorce: that he divorces himself - though the church say contrary. Here now ye may see and perceive these pestilent persons ungracious and malicious intent: and what they counsel and would have done (that is to say) a man to divorce himself and to forsake his wife, if his conscience move him to divorce without any further prove or showing of any just cause: and to marry where it pleased him though the church said the contrary: which is clearly against all reason.

Also by this their saying you may perceive that these persons would utterly destroy the blessed sacrament of matrimony, for by this means and way: every man as often as he would change his conscience to divorce, so often he might change his wife, ye and the wife her husband without showing of any other proof or cause and without any manner of sentence and judgement of the church: ye and though the church said and commanded the contrary and so by this should the sacrament of matrimony be destroyed. Here ye may see what pestulent persons these by which have compiled this book that I answer to.

Furthermore, their comparison and similitude: whereby they would prove that a man may divorce himself from his wife by his conscience though the Church say contrary, is openly false; for though it be so that a Priest be moved in his mind to be {S.ii} a religious man may freely fulfil his purpose of a more holier living (notwithstanding the nay of his indiscrete prelate) yet it doeth not follow that even so it is in marriage: that if a man's conscience move him to divorce, that he may divorce himself and forsake his wife and marry another though the church say contrary: This case is not like the other: first for because that a priest which goes to religion for a more holier living may fulfil his godly purpose lawfully (notwithstanding the forward forbidding of his indiscrete prelate) for as much as the Priest being at liberty and doing no wrong to no person by the reason of his going to religion: but serves almighty God better. Thus, he may fulfil his godly purpose though his indiscrete prelate saying contrary, but so may not a man that is married, divorce himself when his conscience moves him to divorce for because the married man is not at liberty for, he is bound to continue with his wife according to the laws of matrimony during all the time of his life, nor he cannot depart from his wife for to marry another while that his wife is alive.

Wherefore there is no conscience that can help a married man in the matter of divorce except he can manifestly prove some just cause before the church: that his marriage is not good. And then he must abide and stand to the church's judgement and determination. And therefore, this is false, to say, that like as a Priest may for a holier living, fulfil his purpose (notwithstanding the forbidding or nay of his indiscrete prelate) even so it is in marriage that if a man conscience move him to divorce: that he divorce himself though the church say contrary. Now here ye may see what thing these persons would have done and after what manner.

Now for to come to an end, these deceivers say in the preface of their book: that the Universities will put forth reasons of more weight shortly to all the world than these persons have showed in their book: surely so had these Universities need to do, for these persons (as ye have seen) have brought none but such as be abominable, shameful and false, but the Universities after due order and reason, should put forth first these reasons: and then their determinations and that especially in determining a matter or a point of our faith and I suppose so they would have done if they had determined the truth but for as much as they have determined that thing that is very false to be true: therefore they put forth no reasons with their determinations: nor they can none find to put forth why they have thus determined: wherefore I briefly conclude that the Universities have determined falsely in this case that I have spoken of, and that this proposition is false that it is against the law of God and against the law of nature for a man to marry his brother's wife a widow left without issue.

Now ye have heard part of these persons blasphemy, {S.iii} part of their errors, part of their shameful lies and falseness and beside all this ye may perceive how these ungracious persons have given great occasion to destroy kindness and amity among Christin Princes and that they sow for love, hatred and discord and also ye may perceive what great mischief these persons with their labour, counsel, opinion, and book have begun: ye and how much more mischief they would do if they might bring their malicious purpose to effect: ye may likewise perceive in what confusion (with their false opinion) they would bring Princes concerning their marriages. And finally what a schism and a division (with their opinion) they have fired up in Christendom, for by their opinion, they affirm that all Christ's church hath thus many years erred in the faith in dispensing in the first and second degree of affinity and consanguinity, all this follows of these ungracious persons false opinion with much more than I rehearse wherefore let no man judge that in my answer I rebuke them with ire and passion: but rather I had cause to reprove them that pelier⁸⁵ for that they have so highly offended almighty God: ye, and they cause many so to do, wherefore these evil persons are well worthy rebuke and reprove. Our Saviour Christ vehemently rebuked the false scribes, Pharisees and false teachers because they offended God and taught other so to do, also John Baptist reprov'd and sharply rebuked false prophets and teachers so did Paul and John in their epistles. Jerome, Ambrose, Austin and many other holy fathers: for nothing offends God more than teachers of false doctrine, nor there is none so incurable a pestilence, nor so hurtful to many souls as is false doctrine. If it be accept and believed, wherefore ye may perceive that I had a just cause to rebuke and reprove these ungracious persons that have set forth this book that I answer to. For they teach false doctrine and would have it to be accept and believed: and though I have not so substantially and profoundly answered here in every point as other better learned men peradventure shall do hereafter yet for all that my

conscience would not suffer me to hold my peace but compelled me to offer with the poor widow a farthing of my learning to the honour of almighty God. Wherefore I will meekly beseech ye to accept this my answer, my zeal, and will, in good worth: as I trust he doeth, for whole sake and cause I took upon me to make this answer, which is our Saviour Christ: to whom be given all honour and laud. A. M. E. N.

Errata:

The leaf - pagin and line. the Saints Thamedements

B.i. Pagi.1. Lin.1 almighty almighty god [corrected]

H.i. Pag.1. Lin. 8 is it it is [corrected]

N.i. Pag. 2. Lin. 8 other oth [oath] [corrected]

N.3. Pag. 1. Lin. 15 hath no power hath power [corrected]

Imprinted at Luneberge the Year of Our Lord God.

MDXXXII (1532) in May

[End of Thomas Abell's Book.]

[An Appendix of additional information follows - but was not part of the original book.]

Appendix A

[Appendix A is background information - Not part of Abell's original book.]

Timeline of King Henry VIII of England versus Catherine of Aragon

List of Characters:

King Henry VII (1457-1509). Father of Arthur and Henry.
Prince Arthur (19/20 Sept. 1486 – 2 April, 1502)
King Henry VIII (28 June, 1491 – 28 Jan. 1547)
Catherine of Aragon (18 Dec. 1485 – 7 Jan. 1536)
Mary I (1516-1558) (daughter of Henry VIII and Catherine)
King Edward VI (son of Henry VIII) (1537 - 1553)
Charles V, Holy Roman Emperor (1500-1558)
William Parr (1513-1571) 1st Marquess of Northampton

and,

Lady Anne Bouchier (1517-1571) a wealthy heiress. Wife of William Parr, she married him in an arranged marriage when she was ten years old, and he fourteen. They were engaged when they were small children - essentially - babies. Even when they first met, they disliked each other, and right after the wedding ceremony, William left, so they never cohabitated for many years, and finally, she eloped with a lover who was a Prior - a Monastery Administrator. William obtained - arguably - the first Parliamentary Divorce against her in the Reign of Edward VI, but upon the ascension of Queen Mary I; she repealed it as one of her first acts as Queen.

Timeline of King Henry VII [Henry VIII's father]:

1485 King Henry VII of England seized the throne by battle, in 1485. He was the first Tudor King. He had at least seven children,⁸⁶ including: Arthur, Henry, Margaret (who married King James IV of Scotland) and Mary Tudor, Queen of France.

1489 King Henry VII managed to negotiate an arranged marriage of his son Arthur to Catherine of Aragon, daughter of King Ferdinand II of Aragon and Isabella of Castile. According to the terms of the marriage contract Ferdinand promised Catherine a large dowry. Henry VII was sure that this marriage union would accrue large political benefits, including alliances. Both Arthur and Catherine were three years old at the time of the Betrothal.⁸⁷

1502 Marriage of Prince Arthur and Catherine of Aragon. Both were 15 years old.

1502 Prince Arthur became ill and died on [the way?] to their honeymoon in Wales. Catherine, always maintained, even under solemn oath, that she and Arthur never had sex – that she was a virgin when she married Henry VIII.

1509, April. On his deathbed, Henry VII requests that Henry VIII marry Catherine of Aragon, the widow of his first son, Arthur. Many say the reason was that he didn't want her dowry to leave England.

Timeline of King Henry VIII

1503, January. Henry and Catherine, jointly petitioned Pope Julius II and gained the necessary Papal Dispensation which was necessary because the Catholic Church's doctrines held that Catherine, being the wife of Henry's older brother, Arthur, was within the prohibited degrees of affinity.⁸⁸ The Dispensation was granted. It was common for the Pope to grant dispensations to members of Noble houses because he wanted to promote peace and stability.

"... before marrying Catherine, Henry protested, in writing, against the marriage directly to the Pope. Henry actually didn't want the dispensation (no matter how big Catherine's tracts of land were). But his father, Henry VII, forced him to go through with it for political and financial reasons (he didn't want to return

Catherine's sizable dowry). Documented unwillingness to marry is also ample grounds for an annulment on its own." alleges one researcher.⁸⁹

"Henry junior [Henry VIII] wrote a letter to the Pope in protest. He specifically mentioned affinity as a reason not to marry Catherine, and quoted Scripture to back up the argument. In Leviticus, it says "If a brother is to marry the wife of a brother, they will remain childless" – a curse that haunted Henry later on as he and Catherine repeatedly had children die early or be lost to miscarriage."⁹⁰

"Henry VIII and Catherine's mother, Queen Isabella of Castile, ... intensely lobbied Pope Julius II ... " to grant the dispensation."⁹¹

In that day and age, children, typically, did as their parents chose from them.

1509, June 11. Henry weds Catherine of Aragon.⁹²

1517 The beginning of the Protestant Reformation, when Martin Luther tacked his 95 theses on the main door of the Wittenberg Cathedral.

1521 To counter the writings of Martin Luther, Henry wrote "The Assertion of the Seven Sacraments"⁹³ which ironically, contained arguments for the indissolubility and sanctity of marriage.⁹⁴ As a reward, the Pope granted Henry the title 'Fidei Defensor' [Defender of the Faith].

1522 Twenty-two-year-old, Holy Roman Emperor, Charles V visited England and he proposed to Henry VIII that he would marry his daughter - six-year-old, Mary. "The Spanish objected that she was begotten of the King of England, by his brother's wife" - insinuating that the union was illegitimate - whereupon the emperor, forsaking that marriage, did couple himself with lady Isabel, daughter to King Emanuel of Portugal: which marriage was done A.D. 1526.⁹⁵

1527 Henry took part in discussions with and entertained proposals with the French King via the French ambassadors, that Mary could be married to the French King's son, duke of Orleans, but the President of Paris objected - like the Spaniards - that there was a doubt that Henry's marriage to Catherine was legitimate or not.⁹⁶ It appears like all the parents were playing a marriage game - trying to improve the status of their own family by getting their children married off to someone with lots of money and very high status - and they were not above using any advantage they could get.

1527 From 1527 on Henry VIII pursued his desire for a divorce from Queen Catherine. He began, in secret, with Cardinal Wolsey, to gather information from theologians and scholars about the validity of Henry's marriage to Catherine.⁹⁷

1528 The Pope sends a Papal Judge, Cardinal Campeggio from Italy to hear Henry's and Catherine's divorce proposal and the biblical reasons behind it. Bishop John Fisher was a Councillor in support of Catherine, and made powerful arguments for her case. Henry really resented this. Cardinal Campeggio was delayed enroute for some months.

1529 A Public inquiry was held at a Legatine Court at Blackfriars, London, into the validity of Henry VIII's marriage to Catherine according to Divine Law. The Court was headed by Cardinal Wolsey and Cardinal Campeggio, the Pope's legate. To provide evidence of the legitimacy and necessity for such an inquiry, Henry's side introduced a petition signed by all of Henry's Bishops who were petitioning that an investigation into the matter was urgent and necessary. On examining the document, the Bishop of Rochester, John Fisher - who was a Counselor for Queen Catherine - jumped up and vigorously protested that his name was on the petition and he said that he had never signed it and alleged that his signature was a forgery!⁹⁸

The proceedings continued on for more than a month, until, at last, Cardinal Campeggio declared a summer recess. The Legatine Court was never re-convened in England because the case was transferred to Rome.⁹⁹

1529 Henry VIII commissioned Thomas Cranmer to write a Treatise on the Proposition that Henry's marriage to Catherine was null and void based on Biblical Principles and Cranmer canvassed many leading Doctors of Theology at many prestigious Universities to do the same. "What Cranmer really meant, and what Henry did, was to pay for the opinions of what we would today call expert witnesses."¹⁰⁰ Henry's "divorce question was debated in Europe's major universities, and many theologians had opinions about it."¹⁰¹

1530 Archbishop Thomas Cranmer was dispatched to Rome to argue Henry's Case before the Papal Court. "... Cranmer would help Henry make the case that his marriage to Catherine had been against biblical law and defend the validity of Henry's marriage to Anne Bolyne."¹⁰²

Aside:¹⁰³ Regarding the Evolution of 'Divorce', and Medieval Divorce Practices.

According to the thesis developed by King Henry VIII and Thomas Cranmer, there is an essential contradiction between Deuteronomy 25:5 (which mandates that a younger brother marry his deceased older brother's wife and raise a son for him in the case where the older brother has died before having a son [a 'Levirate Marriage']), and Leviticus 18:16 and Lev.

20:21 (which forbids marriage between a man and his brother's wife). Thus, Henry was, basically, arguing that the Dispensation relaxing the law of Leviticus 20:21, granted by Pope Julius II, was in error and he shouldn't have issued such a dispensation. As a reminder; in Canon Law, a Dispensation is defined as the "relaxation of a law in a particular case." As there is substantial support for Levirate Marriage throughout the Old Testament (for example: Ruth, chapter 4 and even in the ancestry of Jesus), King Henry's case was rather weak.

It is important to distinguish between different definitions and types of divorce in the Medieval period and the evolution of the meaning between then and now.

The modern dictionary definition of 'divorce' is 'the permanent termination of a marriage by a court of law', and in smaller print, is sometimes admitted that 'divorce' also means "separation of two things closely united". The first of these definitions, first appeared during Protestant times. The second, if present, is the original definition. In Medieval times the word 'divorce' meant, merely 'separation' (i.e. to cease cohabitation), but they also had a second definition of 'divorce' – what today we would call an 'annulment'.¹⁰⁴

Often, books will refer to Henry VIII's 'divorce', but according to Catholic theology of his time – and even today – marriage is indissoluble, so, Henry's 'divorce' ought, more properly, to be called an 'annulment' because only an annulment would allow remarriage, according to Catholic theology. Additionally, "...the Roman Catholic Church had taken the position that adultery justified only a separation..."¹⁰⁵

The Latin, legal terms were: 1. a 'divorce *a mensa et thoro*' ('from table and bed' – a legal separation, but the marriage remains valid), and 2. 'divorce *vinculo matrimonii*' ('from the chains of marriage' – the marriage is null and void, or, more technically correct, that there was never a proper marriage in the first place). According to some Canon-Law Lawyers of the time, the 'annulment' denies that the 'marriage' ever existed¹⁰⁶ but, perhaps this is a Canon-Lawyer's interpretation gone too far, as will be discussed next.

With the coming of Christianity to England, it is important to note that the Legal System was divided into two branches: 1. The Criminal Courts, administered by the King, and 2. 'Bishop's Courts', or Ecclesiastical Courts, or 'Church Courts' administered by the bishops.¹⁰⁷

The Ecclesiastical Courts normally dealt with matters involving social relationships, such as Wills and Estates and Probate, Marriage, The Poor Law, Civil Suits, etc., and they had their own system of taxation and their own courts and jails,¹⁰⁸ although they had to appeal to the Criminal Courts to enforce arrest warrants, judgements, etc. The Ecclesiastical Courts relied heavily on 'Common Law'.

"The canon law rule was that a sentence dissolving a marriage did not prevent a subsequent raising of the question, even by the party who had procured the earlier judgment. ... They concluded that there could be no *res judicata* where divorce was concerned."¹⁰⁹

The term *res judicata*: is a Latin legal term referring to the commonly held legal doctrine that a case which there has been a final judgment is no longer subject to appeal. This means that that even a canon-law annulment-divorce is not 'final', but always open to challenge. If an Annulment, is always subject to challenge and Legal Appeal, even years later, then, in a sense, some sort of relationship still exists, even after an Annulment. Therefore, how could one get remarried without incurring the crime of bigamy?

"Canon law, like Roman law and English Common law, distinguished between possessory and proprietary or petitory actions. The distinction was carried into marriage law in the form of a suit known as 'restitution of conjugal rights'."

"The man or woman deserted by his partner of some years, in other words, ... was the normal plaintiff in restitution suits."

"The result of a successful prosecution of a suit for restitution was ... an order that the defendant accept the plaintiff as his legitimate spouse - i.e. resume cohabitation – and treat her with marital affection."¹¹⁰

The main goal of the Church was repentance of the wrong-doing spouse, and restitution, then forgiveness and resumption of the marriage. To the Medieval Church; marriage was indissoluble, just as the love of God for his people/church is indissoluble.

Many books state the unstated presumption that after an annulment, the parties are free to conduct a subsequent marriage, evoking the lawyer's argument that an annulment is an acknowledgement that no marriage ever existed – it is, they argue, as if, both parties were never married – but this presumption is far from settled. The above quotations from Helmholtz argue against such a presumption.

So, in the case of Henry and Catherine, even after Henry's lap-dog, Archbishop Cranmer announced his Court's Judgement that their marriage was against the law of God, and therefore annulled, Catherine still had several avenues of legal remedy. She could have – at the very least – launched an appeal, but Henry had, elbowed out of the way, and replaced the Pope, making himself the Head of the English Church, and forbidding anyone to appeal to a 'foreign' person, so she would have been appealing to him, and that wouldn't go well. Basically, he had sealed off any avenue for appeal.

If it is true that their marriage was never valid, then that means they were both fornicators, and the Law of God prescribes that they both be stoned to death. Also, Henry had had many concubines and mistresses and many illegitimate children¹¹¹ so he ought to have been stoned for that too. And in the instance where a woman had an unbeliever husband in 1 Cor. 7:13 – a clear violation of God's law of being unequally yoked together – yet Paul said, "do not leave him".

Additional evidence that refutes the idea that any kind of divorce was permanent and terminated a marriage is the fact that Queen Mary I - the daughter of King Henry VIII - terminated or annulled both types of divorce when she came to power as will be noted below.

Additional evidence that Medieval Divorce meant the same as we use it today (i.e. divorce means the permanent termination of a marriage by a Court of Law, and that it allows a person to remarry) is refuted by the following quote: “Dr. Francis Clarke, a leading proctor before the ecclesiastical courts during the Elizabethan period, said those courts granted only separations, not divorces, and that persons so separated were expressly forbidden to remarry.”¹¹²

So, in summary, the claim that, after an annulment, the parties are free to remarry, is far from settled. It is pure presumption, and the Medieval Canon Law and Practice did not necessarily allow for such a course of action, although, for every law, there are cases where people got away with abusing that law. Additionally, the use of the word ‘divorce’ has changed a lot since Medieval times. The idea that divorce is a ‘permanent termination’ appears to be a modern invention. You can’t cohabit and have sex and have children, and then pretend nothing happened and that there are no consequences for such deeds. Laxness in this area is one of the major downfalls of the Catholic Church.

[end of aside]

1531 Henry's team received Position Papers from many Universities all over Europe on his question about whether a marriage to one's brother's wife is legitimate or not. They collated the positions, and published them in a book¹¹³ titled: *Gravissimae atque Censurae: illustrissimarum totius Italiae, et Gallicae academiarum censurae*. It was published in both Latin and English. The English translation had an alternate title:

Fox, Edward. *The determinations of the most famous and mooste excellent vniuersities of Italy and Fraunce, that is it so vnlefull [sic] for a man to marie his brothers wyfe, that the pope hath no power to dispence therewith*. London: [], 1531.

Also, they printed a synopsis of the main points of argument in a simplified form for the general readership titled: *Glasse of Truth* (1531).

1531 Henry began to live openly with Anne Boleyn.¹¹⁴ In a personal letter to her, he propositioned her, wanting her to become his Mistress, and he hinted that if she agreed, that he would assent to her demand, that he would put aside all his other Mistresses, and she would be his ‘exclusive Mistress’.¹¹⁵

1532, June. Bishop John Fisher preached publicly against the divorce.

1532 Thomas Abel, writes *Invicta veritas ...*, a book disputing the legality of Henry VIII’s proposed divorce. “Henry VIII bought up every copy of the book he could find to halt its dissemination ...”¹¹⁶

1532 With no decision from the Pope about Henry VIII's 'great matter' [i.e. his divorce], and with the news that Anne Bolyne was pregnant, Henry took matters into his own hands, and quickly, in a series of hurried Parliamentary Acts, attempted to formally end his marriage with Catherine and prepare the ground for legitimizing his future child. In part: He ordered Archbishop Cranmer to prepare the 'annulment' and proceed and He ordered the House of Commons to prepare legislation to limit the power of the Pope in England.

1532 At the home of the Bishop of Rochester, John Fisher, four guests died of poisoning. One Richard Roose - the cook - was charged. He confessed that George Boleyn had hired him, and the target was Bishop Fisher, and Thomas More - another guest - but More didn't have the poisoned dish, and Bishop Fisher only ate a very small amount, so he was merely sick.¹¹⁷

1533, January 25. King Henry VIII had an open marriage ceremony with Anne Boleyn, after a secret marriage on 14 Nov. 1532.¹¹⁸

1533, March. Anti-papal Acts passed through Parliament. For example, Henry enacted the Submission of the Clergy Act, " ... in which the clergy lost all right of independent [Ecclesiastical] legislation, and subordinated its power to the pleasure or veto of the King".¹¹⁹ Basically, he quashed the independence of the Church and took away their powers and forced them to be dependent on him.

1533, March 24. Pope Clement VIII summoned the full consistory of Cardinals, and issued his sentence that Henry's marriage with Catherine was good and could not be annulled.

1533, April 9. [in England]: Once the divorce was made legal, new legislation demanded that Catherine was to be called the Princess Dowager of Wales and their daughter, Mary, was to be known as the King's daughter or the Lady Mary.¹²⁰

1533, May 23. Cranmer, the Archbishop of Canterbury, held Court and then Issued the declaration that the marriage of Catherine and Henry was null and void and that the marriage to Anne Boleyn was valid.¹²¹

1533, July 11. Clement issued a bull of excommunication [which never, officially took effect, so, really, it was merely a threat of excommunication] to Henry ordering him to reconcile with Catherine.¹²²

1534 The First Act of Succession. In this Act, Parliament declared that the Marriage between Henry VIII and Catherine was "against the laws of Almighty God ... and taken of no value nor

effect, but utterly void and annulled ...”, and it demoted Catherine to mere “dowager to Prince Arthur”, and established and confirmed Henry’s marriage to Queen Anne [Boleyn]. Most importantly, it demanded that “all who should be called upon to do so, were compelled to take an oath of succession, acknowledging the issue of Henry and Anne as legitimate heirs to the throne, under pain of being guilty of misprision of treason.” Basically, it was a suspension of independent Church authority, and such authority was now vested in the King.¹²³ The Church was suppressed and its functions were taken over by the State. This taking over of the Church's traditional functions - such as providing services for the poor - had the practical effect that Henry instituted the modern welfare state. From then on, the poor “were dependent on the state.” instead of the Church.¹²⁴

1534 The Arrest of Bishop John Fisher. He was a supporter of Catherine and represented her in Canon Law Trials. He preached and wrote against the divorce. He said that he was ready to die of behalf of the indissolubility of marriage.¹²⁵

1535 Execution/Martyrdom of Bishop John Fisher.

1535 Execution/Martyrdom of Saint Sir Thomas More, who did not support the divorce and refused to take the oath of succession.

1536 Queen Catherine dies. The embalmer [Yes, this is correct - not a typo] found her internal organs to be normal, except the heart, which was “quite black and hideous to look at”. He also described a ‘strange black body’ attached to it. Experts suggest that, given this evidence, she, most certainly, died of cancer. Biographer, Eric Ives claims that the news of Catherine's death was greeted at court ‘by an outburst of relief’, and Queen Anne was joyful.¹²⁶ Queen Anne Boleyn - pregnant at the time - miscarried on the day of Queen Catherine’s funeral.¹²⁷

1536 At the trial of Queen Anne Boleyn, “... knowledge of certain impediments unknown at the making of the previous Act, and since that time confessed by the Lady Anne before the Archbishop of Canterbury, sitting judicially for the same, whereby it appeared that the marriage was never good nor consonant to the laws.”¹²⁸

1537 Fr. Anthony Brookby preached a sermon attacking the King’s actions and mode of living [divorces]. Henry took offense and had him tortured on the rack a long time, and eventually, had him strangled to death with his own waist-belt-cord.

1538 Because King Henry VIII made himself head of the Church in England, and forbade citizens from further appeals to the Roman Catholic Church, Pope Paul III excommunicated him – for real this time – and rescinded the 1521 grant of the title ‘Fidei Defensor’.¹²⁹

1540 Execution/Martyrdom of Dr. Fr. Thomas Abel [or Abell or Able], Martyr. Because he wrote a treatise arguing that it was unlawful for Henry VIII to divorce Catherine. Abell died a horrible death – drawing, hanged, and quartered.¹³⁰

1541 William Parr, the first Marquess of Northampton, and brother to the future Queen Catherine Parr (the sixth wife of King Henry), sued his wife Anne in the Ecclesiastical Courts, charging her with Adultery, and was awarded a sentence of separation, and all her fortune (Dowery) was forfeited to him because of the Adultery. At this time, Anne was reduced to a state of poverty. Lady Mary, bastard daughter of King Henry VIII took her under-wing.¹³¹

1543 Henry VIII assented to the third ‘Act of Succession 1544’ which returned Mary and Elizabeth to the line of succession, placing them after Edward, but both remained - legally - illegitimate.¹³²

1544 The Parliament of England bestows the title ‘Fidei Defensor’ upon Henry VIII in compensation for the Pope taking back the same title from him, so the title’s abbreviation ‘F.D.’ appeared on British coinage.¹³³

1547 Henry VIII dies, and his son, Edward VI ascends the throne. He was nine years old. Because he was a minor, the realm was governed by a Regency Council, headed, first, by Edward Seymour (Duke of Somerset) and after he died in 1549, succeeded by John Dudley, (Duke of Northumberland).

1551/1552 In Parliament, William Parr obtained a Parliamentary Divorce from his wife Anne.

King Edward VI

1553 King Edward VI (son of King Henry VIII) being sick, [he died that year] and fearing that Mary would gain the throne and return England to Catholicism, in his Will, disowned both his half-sisters (Mary and Elizabeth) and removed them from the line of succession, in favour of his cousin, Lady Jane Grey – in direct contradiction to Henry’s Third Act of Succession which had restored them to the line of succession, despite their being deemed illegitimate bastards.

Queen Mary I

1553 Mary I (1516-1558), daughter of Henry VIII and Catherine of Aragon, was crowned Queen of England. Mary's first Parliament declared her parents' marriage valid.¹³⁴ Mary also repealed William Parr's Private Act of Parliament which recognized his second marriage.¹³⁵ If William's Parliamentary Act is deemed to be a Parliamentary Divorce, then Mary repealed and revoked, both a Parliamentary Annulment (of King Henry VIII and Queen Katherine) and a Parliamentary Divorce (William Parr and Anne.) This is strong evidence that suggests: the question about whether divorce is permanent or not, and the question about whether divorce terminates a marriage, were not settled questions at the time of Queen Mary I.

Mary also brought Mrs. Anne Parr into her Court and made her a Lady in Waiting, as she had been living in a state of poverty. Queen Mary I also gave Anne some of her Father's properties so she would have an income.

After releasing William Parr from the Tower, where he was under a death sentence because of his role in the attempt to place Protestant Lady Jane Grey on the throne, she demanded that William return to "his wife" - Ann Parr. William looked down, in fake repentance, but, in the end, he did not comply.

Note: Queen Mary I killed almost as many people as her Father, King Henry VIII, in her attempt to return her country to the Roman Catholic Church. Her people even exhumed the bodies of Martin Bucer, put the corpse on trial, convicted it of Heresy, and condemned it to be burned at the stake - and for fuel, they used all his books they could find. It was a very stinky trial, but the prosecuting attorney had an easy time of it because a corpse can't talk back.

"One of the first measures of Mary I's Parliament was (as has been said) to repeal the Act for confirming Lord Northampton's [second] marriage. So that when Elizabeth I came to the Throne, the Church and State, both of them, still held Christian Matrimony to be simply indissoluble. Repeated attempts were made in her reign to legalize Cranmer's and Bucer's project [to reform the church, but especially divorce], but they came to nothing."¹³⁶

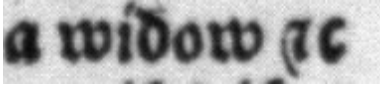
1886, December. Pope Leo XIII beatified Thomas More, John Fisher, and 52 other English Martyrs. Henry VIII Martyred, some 430 Catholics and a bunch of Protestants too, many of which, did not support his divorce.¹³⁷

Summary of Appendix A:

So, after all the fighting and execution of ‘treasonous dissidents’ by King Henry VIII and Queen Mary I, the State and Church policy of divorce remained, essentially, the same - that Divorce remained indissoluble. Additionally, the fact that King Henry VIII instituted State and Church recognition of his Divorce/Annulment, and then Queen Mary I annulled his annulment, is strong evidence that, at that time, the idea that Divorce permanently terminated a marriage, was not generally accepted, nor a settled doctrine. Also, that fact that Mary I reversed the first Parliamentary Divorce, gives further evidence of the previous statement. The reformation of divorce policies would have to wait until later reigns.

[end of Appendix A]

Endnotes

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- ¹ Thomas Abell was the personal Pastor and Confessor of Queen Catherine of Aragon.
- ² ☐ Editors note: The Book referred to is: Fox, Edward. The determinations of the most famous and mooste excellent vniuersities of Italy and Fraunce, that is it so vnlefull [sic] for a man to marie his brothers wyfe, that the pope hath no power to dispenche therewith. London: [n.p.], 1531. [alternate title: Gravissimae atque Censurae; illustrissimarum totius Italiae, et Gallicae academiarum censurae. English.
- An electronic version of Fox's book can be found at:
Early English Books Online (EEBO): <https://quod.lib.umich.edu/e/eebo/A68233.0001.001> (accessed: Aug. 2022)
also at: <https://luna.folger.edu/luna/servlet/detail/FOLGERCM1~6~6~489208~134477:-Gravissimae-atque-exactissimae,-il> (accessed: Aug. 2022)
A physical copy on microfilm can be found at: The University of Alberta (Edmonton)
(Pr 01 138) Reel 20 English Books, 1475-1640
At end of reel: B.M. Ref. No. G1236, Order No. 692]
- ³  ☐ [a widow ĩc = a widow without issue]
- ⁴ ☐ "without issue." in this book, is generally used as a contraction after the word 'widow' and it means "a widow without issue" - in other words: a widow who has never had a child by her husband who has died.
- ⁵ Deut. 25:5
- ⁶ Gen. 20
- ⁷ In questionibus hebraicis fuper genesim.
- ⁸ Gen. 38
- ⁹ super ge. ho. lxiij [62]
- ¹⁰ Genesis 38
- ¹¹ Ec. v8. [☐ Ecclesiasticus 15:21 ["nemini mandavit impie agere" translated: "nobody gave wickedly"]
- ¹² Mat. 22:24
- ¹³ Genesis 6:2
- ¹⁴ ☐ xvi leaf
- ¹⁵ ☐ xvii and xviii leaf
- ¹⁶ ☐ xviii [Lev. 18:16 Thou shalt not uncover the nakedness of thy brother's wife: it [is] thy brother's nakedness.]
- ¹⁷ ☐ xviii

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- 18 Deuteronomy 25:5-
- 19 ☐ Leviticus 18
- 20 Gen. 7
- 21 Gen. 20.
- 22 ☐ cxi leaf
- 23 ☐ appears to be written: "yower", but 'their' seems to be the logical, more consistent alternative.
- 24 Levi. 11.
- 25 Levi. 11.
- 26 Lev. v.8.
- 27 ☐ Leviticus 5:1
- 28 ☐ 'replies' is my best guess since the scan is almost undecipherable
- 29 Deuteronomy 25:5
- 30 1 Corinthians 5:1
- 31 2 Corinthians 7:12
- 32 1 Corinthians 5:1
- 33 ☐ [editor's note: deceivers: referring to the authors of the book Able is preaching against, not the Apostles or the new believers referred to in this paragraph]
- 34 Ezech. 18:20
- 35 1 Corinthians 7:9 and 7:39
- 36 ☐ "ye" in script. I can't figure out what it is/means. It might be an error?
- 37 Leviticus 25:23
- 38 Deuteronomy 25:5
- 39 Super Mat. homelia. 44.
- 40 ☐ [literally: 'minished']
- 41 ☐ sister-german: (archaic). a sister born of the same parents.
- 42 ☐ This could be a spelling error in the original book? Ancelme? Uncelme?
- 43 Joshua 15. there may be honest causes why a man may marry his sister. in Lib.20. de Patriarch Abraham
- 44 ☐ 'let' - it is in the original book, but my modern mine can't make grammatical sense of it. Perhaps it means – from its use in the sentence - 'to allow'.
- 45 ☐ Minish (archaic): to make less: make fewer in number. Modern: diminish
- 46 ☐ Epilogue. m. Recapitulation, conclusion of a speech ... [<https://www.definiciones-de.com/Definicion/de/epilogacion.php>]

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- 47 ☐ editor's note: in text: niece, which I have rendered as 'niece'. Based on Numbers, chapter 36, there were two Nieces that married at the same time; each to a near-kin man. It is not mean that the two nieces married each other as a cursory reading might imply.
- 48 Numbers 36:10 ☐ [Note: in the KJV: the name of the father was Zelophehad, but Abell calls him 'Salphat'. Numbers 36:8 KJV "And every daughter, which possesseth an inheritance in any tribe of the children of Israel, shall be wife unto one of the family of the tribe of her father, that the children of israel may enjoy every man the inheritance of his fathers." [v.11] "... [the daughters] were married unto their father's brothers' sons". So the marriages commanded by God were between first cousins where are not prohibited by Levitical Law - not between Uncle and Niece, which is prohibited. (Lev. 18:14).
- 49 1 Par. 23
- 50 In Questi. Hebraicis super gen.
- 51 ☐ 'never' is my best guess since the scan is almost undecipherable.
- 52 ☐ 'also' is my best guess since the scan is almost undecipherable.
- 53 ☐ Middle English alternative form: batayles: A fight or dispute between ideas or religious forces
- 54 ☐ contract[ing] for clarity.
- 55 ☐ 'an other' in original, but corrected to 'oath' in the errata
- 56 ☐ word unclear; pariutide? pa?iu?ide
- 57 ☐ word unclear
- 58 ☐ "hath no power" in the original, but corrected to "hath power" in the errata.
- 59 In qst. Heb. super gen.
- 60 sōt. fanftum fi. xxii.ca.vxxx.
- 61 fuper mat. ho iii. xliv.
- 62 li. iii. de Sacramento p. ii.ca.iiii
- 63 ix. lib. iiiii. art. xiii.
- 64 f.ii.2.qus.arti. iiiii.
- 65 In. iiiii. fen. dif. xl. cor. por. quest.
- 66 In. iiiii. diftinct. xxxiv. quest. iiiii.
- 67 In. iiiii. dift. xl. conclufione ii.
- 68 Cō. san. li. xxii. ca. xlvii.
- 69 super matth. ho. xliv
- 70 super Mat. ca. xxii ho. lxxi
- 71 in. iiiii dist. xl.
- 72 in. iiiii dist. xl. quest. ii. in corpote quest
- 73 in iiiii. distinc. xxxiv. q.iiii.
- 74 in iiiii. dist. xli questio. unica.

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- 75 in supplemento gabrielis in iii. dist. xli. q. i.
- 76 In. iii. dist. xli. questi. iii.
- 77 super decre. xxxv. quest. ii.iii
- 78 In commenta rue super secundam secunde divi thome.
- 79 Leviti. xviii
- 80 to. vii.
- 81 □ this appears to be a name of a book - a citation
- 82 Gala. 4 and etc 5.
- 83 □ Gal. 5:2
- 84 in commē. Levi.
- 85 □ pelier: image blurry. I can't find what the word means. Obviously, something bad.
- 86 □ <https://www.historyextra.com/period/tudor/henry-vii-king-tudors-who-profile-life-facts-children-wife/> (accessed: Aug. 2022)
- 87 □ <https://www.thehistorypress.co.uk/articles/12-little-known-facts-about-catherine-of-aragon/> (accessed: Aug. 2022)
- 88 □ Campbell, Phillip. The Canon Law of the Henry VIII Divorce Case. Michigan, USA: Madonna University, 2009.
- 89 □ Quora ID: John G. [John Grantham] (author) [This Quora Post is an author-edited excerpt from his blog titled: Anglican history, part one: Henry VIII and his divorces. at <http://infinitusmonachus.blogspot.com/2011/10/anglican-history-part-one-henry-viii.html?m=1>] (accessed: Aug. 2022)
<https://www.quora.com/Why-didnt-the-Pope-allow-Henry-VIII-to-divorce-Catherine-of-Aragon>
[in comments section: (unknown says: But Henry married AFTER his father died . . . surely he could have postponed or cancel once king himself ...)
(John Grantham responds: But at that point the treaty with Spain was a done deal and he didn't really have a lot of choice at that point. Not marrying Catherine would have ruined the Spanish alliance that his father had worked hard on — an alliance that gave the upstart Tudors substantial political legitimacy. Remember, the Tudors were pretty paranoid about losing the throne again, and not without reason — their claim to it was at best wobbly.)
- 90 □ Grantham, John. blog titled: Anglican history, part one: Henry VIII and his divorces. <http://infinitusmonachus.blogspot.com/2011/10/anglican-history-part-one-henry-viii.html?m=1> (accessed: Aug. 2022)
- 91 □ Grantham, John. blog titled: Anglican history, part one: Henry VIII and his divorces. <http://infinitusmonachus.blogspot.com/2011/10/anglican-history-part-one-henry-viii.html?m=1> (accessed: Aug. 2022)
- 92 □ Salyers, Amanda. Henry VIII and the Break from the Catholic Church: Malice and Manipulation in the Pursuit of Power. 2010. p.11. [I found this article online, but I don't have a web address for it, and I didn't get any hits on a Google search for this article.]
- 93 □ Assertio Septem Sacramentorum Aduersus Mart. Lutherum, Henrico VIII. cui svbnex a est eiusdem Regis epistola, assertionis ipsus contra eundem desensoria. accedit quoque R. P. D. Ioah. Rossen, Episcopi contra Lutheri Captiuitatem Babylonicam, Assertionis Regiae defensio. Paris: apud Guilieum Desboys

sub sole Aureo, via Iacobaea, 1562.

copy at: <https://books.google.com/books?id=nm08AAAAcAAJ> (accessed: Aug. 2022)

- 94 □ *ibid.* p. 64.
- 95 □ Foxe, John. *The Church Historians of England. Reformation Period. The Acts and Monuments of John Foxe.* Vol. V, Part I. London: Seeleys, 1857. p.46. <https://books.google.com/books?id=5u4KAAAAYAAJ>
- 96 □ *ibid.* Foxe, p.47.
- 97 □ <https://www.britannica.com/biography/Thomas-Cranmer-archbishop-of-Canterbury> (accessed: Aug. 2022)
- 98 □ <http://www.historyisnowmagazine.com/blog/2020/5/17/henry-viiiis-divorce-of-catherine-of-aragon-who-had-the-better-case-in-the-great-divorce-part-2-how-henrys-efforts-to-overturn-the-marriage-in-the-courts-failed#.XsGSUi-ZOi4=> (accessed: Aug. 2022)
- 99 □ <https://www.gale.com/intl/essays/richard-rex-henry-viii-break-with-rome> (accessed: Aug. 2022)
- 100 □ <https://www.catholicculture.org/culture/library/view.cfm?recnum=7653> (accessed: Aug. 2022)
- 101 □ <https://christianhistoryinstitute.org/magazine/article/thomas-cranmer-did-you-know> (accessed: Aug. 2022)
- 102 □ Salyers, Amanda. *Henry VIII and the Break from the Catholic Church: Malice and Manipulation in the Pursuit of Power.* 2010. p.9.
- 103 □ <https://www.medievalists.net/2011/01/the-canon-law-of-the-henry-viii-divorce-case/> (accessed: Aug. 2022)
- 104 □ Couch, Harvey. *Evolution of Parliamentary Divorce in England.* 52 Tul. L. Rev. 513 (1977-1978). url: <https://heinonline.org/HOL/Page?handle=hein.journals/tulr52&collection=journals&id=531&startid=&enddid=558>
Footnote 2.
Note: Harvey Couch is Professor of Law, Tulane University School of Law.
- 105 □ *ibid.* Couch.
- 106 □ Amelto Cardinal Cicognani, *Canon Law.* (Philadelphia: Dolphin Press, 1934), p. 829.
- 107 □ *ibid.* Couch.
- 108 □ <https://www.apollo-magazine.com/lambeth-palace-library-new-building-wright-wright/> (accessed: Aug. 2022)
For example, Lambeth Palace, the seat of the Archbishop of Canterbury, contains “a prison where John Wycliffe’s followers, the Lollards, were caged for heresy”.
- 109 □ Helmholz, R.H. *Marriage Litigation in Medieval England.* Cambridge University Press, 1974. It is unclear what kind of ‘divorce’, Helmholz is referring to ‘separation’, or ‘annulment’, or both. It seems reasonable that it would be ‘both’. In that case, Queen Catherine would be within her legal rights to sue Henry VIII, for an ‘annulment’ of the ‘annulment’, even after the ‘annulment’ was ratified.
- 110 □ Helmholz, *ibid.*
- 111 □ <https://www.rmg.co.uk/stories/topics/how-many-children-did-henry-viii-have> (accessed: Aug. 2022)
- 112 □ *ibid.* Couch.
- 113 □ [Editors note: The Book referred to is: Fox, Edward. *The determinations of the most famous and mooste excellent vniuersities of Italy and Fraunce, that is it so vnlefull [sic] for a man to marie his brothers wyfe, that the pope hath no power to dispence therewith.* London: [], 1531. [alternate title: *Gravissimae atque Censurae; illiusstrissimarum totius Italiae, et Gallicae academiarm censurae.* English.

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- An electronic version of this book can be found at:
 Early English Books Online (EEBO), <https://quod.lib.umich.edu/e/eebo/A68233.0001.001>
 also at: <https://luna.folger.edu/luna/servlet/detail/FOLGERCM1~6~6~489208~134477:-Gravissimae-atque-exactissimae,-il> (accessed: Aug. 2022)
]
- 114 □ <https://www.sparknotes.com/biography/henryviii/section3/#:~:text=In%20May%2C%20Cranmer%20assembled%20a,legitimate%20heir%20to%20the%20throne.> (accessed: Aug. 2022)
- 115 □ Salyers, Amanda. Ibid.
- 116 □ <https://www.apollo-magazine.com/lambeth-palace-library-new-building-wright-wright/> (accessed: Aug. 2022)
- 117 □ https://historica.fandom.com/wiki/Richard_Roose (accessed: Aug. 2022)
- 118 □ https://en.wikipedia.org/wiki/Thomas_Cromwell#Marriage_and_issue (accessed: Aug. 2022)
- 119 □ Henry VIII and the Break with Rome
 □ <https://www.gale.com/intl/essays/richard-rex-henry-viii-break-with-rome>
 The Great Divorce: The Evil Fruits of Henry VIII's Adultery (accessed: Aug. 2022)
 □ <https://www.catholicculture.org/culture/library/view.cfm?recnum=7653> (accessed: Aug. 2022)
- 120 □ <https://www.theanneboleynfiles.com/9-april-1533-catherine-of-aragon-demoted-from-queen-to-princess/#:~:text=9%20April%201533%20-%20Catherine%20of%20Aragon%20Demoted%20from%20Queen%20to%20Princess&text=On%20the%209th%20April%201533,now%20married%20to%20Anne%20Boleyn.> (accessed: Aug. 2022)
- 121 □ https://en.wikipedia.org/wiki/Mary_I_of_England (accessed: Aug. 2022)
<https://www.britannica.com/biography/Thomas-Cranmer-archbishop-of-Canterbury> (accessed: Aug. 2022)
- 122 □ <https://blog.nationalarchives.gov.uk/anglo-papal-relations-henry-viii-break-with-rome/#:~:text=Papal%20resistance%20to%20Excommunicating%20Henry&text=Outraged%2C%20Charles%20V%20ordered%20Clement,but%20Clement%20delayed%20his%20judgement.&text=The%20Pope%20and%20the%20Emperor,Clement%20suspended%20until%20September%201533.> (accessed: Aug. 2022)
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- 124 □ <https://www.catholicculture.org/culture/library/view.cfm?recnum=7653> (accessed: Aug. 2022)
- 125 □ <https://www.patheos.com/blogs/davearmstrong/2018/02/430-catholic-martyrs-murdered-henry-viii-1534-1544.html> (accessed: Aug. 2022)
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- 130 □ https://en.wikipedia.org/wiki/Thomas_Abel (accessed: Aug. 2022)
- 131 □ https://en.wikipedia.org/wiki/William_Parr,_1st_Marquess_of_Northampton (accessed: Aug. 2022)
- 132 □ https://en.wikipedia.org/wiki/Mary_I_of_England (accessed: Aug. 2022)
- 133 □ https://simple.wikipedia.org/wiki/Defender_of_the_Faith (accessed: Aug. 2022)
- 134 □ https://en.wikipedia.org/wiki/Mary_I_of_England (accessed: Aug. 2022)
- 135 □ Couch ibid. p.518. and
Kebel, John. Sequel or The Argument against immediately Repealing the Laws which Treat the Nuptial Bond as Indissoluble. J.H. and JAS. Parker. (publishers), London, 1857.
- 136 □ Kebel, ibid.
- 137 □ <https://www.patheos.com/blogs/davearmstrong/2018/02/430-catholic-martyrs-murdered-henry-viii-1534-1544.html>

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